JOINT PERFORMANCE REVIEW COMMITTEE

PART 2

DEPARTMENT OF COMMUNITY CORRECTION HEARING

AUGUST 1, 2013

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ARKANSAS ACCOUNTABILITY INTERVENTIONS MATRIX REPORT (ArAIM)

5/07/2013

3/14/2013

11/28/2012

Board of Corrections
June 21, 2013

In light of recent incidents which have occurred in the Little Rock area, the Arkansas Board of Corrections has initiated an extensive investigation into the Probation and Parole Division of the Department of Community Correction (DCC). The Board has general supervisory authority over the DCC which is responsible for probation and parole in Arkansas.

In addition the Board makes the following policy changes effective immediately:

1. DCC will not release parole holds on individuals awaiting a revocation hearing pursuant to requests from jail personnel.

2. Parolees charged with felonies; violent or sex related misdemeanors will be jailed and a revocation hearing will be sought.

3. Parolees who have absconded two or more times will be jailed and a revocation hearing will be sought.

4. DCC will prioritize and fast track the admission of higher risk offenders into the Technical Violator Program.

5. DCC will attempt to find open jail space in other jurisdictions within the state when the holding jail must release an offender who has an existing parole hold.

6. All requests for revocations and denials thereof will be fully documented in the offender's case file.

The Board believes that the public deserves to have confidence in its parole system and we intend to address any deficiencies that come to light in our ongoing efforts to improve this system.

If questions contact the office of the Board of Corrections 870-267-6754.

ARKANSAS ACCOUNTABILITY INTERVENTIONS MATRIX (ArAIM)

Revised 5/07/2013

Condition Code	VIOLATION	LOW LEVEL CONDITIONS INTERVENTIONS	PROGRESSION LEVELS (see instruction 1)			
			1st	2nd	3rd	4th
L1	Failure to participate in community service (not litter crew) - 1st offense	Written Warning		M1	M11	H99
L2	Positive UA - Drugs or Alcohol - 1st offense	SAPL Screening and Verbal Warning		M2	H2	H99
L3	Association - 1st offense	Written Warning and Increased Reporting		M3	M13	H99
L4	Failure to pay supervision fees - 1st offense - $70 or Greater	Written Warning and 7 days home confinement		M4	M14	H99
L5	Failure to report - 1st offense	Written warning, Interventions Review Committee, and 1 day in jail		M5	H5	H99
L6	Change of Residence without permission - 1st offense	Written warning, Interventions Review Committee, and 2 days in jail		M6	M16	H99
L7	Travel violation In/Out State - 1st offense	Written warning, Interventions Review Committee, and 3 days in jail		M7	M17	H99
L8	Conviction of low level misdemeanor - 1st offense	Written warning, Interventions Review Committee, and 4 days in jail		M8	M18	H99
L9	Failure to pay court fees/fines/costs/restitution 60 Days Delinquent	Written warning, Interventions Review Committee, and 5 days in jail		M15	H6	H99
		Written warning, Interventions Review Committee, and 6 days in jail				
		Written warning, Interventions Review Committee, and 7 days in jail				
		Written warning and 7 days EM				
		Written warning and 8 days EM				
		Written warning and 9 days EM				
		Written warning and 10 days EM				
		Written warning and 11 days EM				
		Written warning and 12 days EM				
		Written warning and 13 days EM				
		Written warning and 14 days EM				
		Perform Community Service				
		Intervention Review Committee				

Condition Code	VIOLATION	MEDIUM LEVEL CONDITIONS INTERVENTIONS	PROGRESSION LEVELS			
			1st	2nd	3rd	4th
M1	Failure to participate in community service - 2nd offense	Interventions Review Committee and Recommendation		M1	M11	H99
M2	Positive UA - Drugs or Alcohol - 2nd offense	SAPL Consultation and Interventions Review Committee		M2	H2	H99
M3	Association - 2nd offense	Interventions Review Committee and Recommendation		M3	M13	H99
M4	Failure to pay supervision fees 2nd offense or $105 or greater	Interventions Review Committee and Recommendation, Increased Reporting, UP TO 2 days in jail		M4	M14	H99

M5	Failure to report - 2nd offense	Interventions Review Committee and Recommendation		M5	H5	H99
M6	Change of Residence without permission - 2nd offense	Interventions Review Committee and Recommendation - 30 days Electronic Monitoring (EM)		M6	M16	H99
M7	Travel violations In/Out of State - 2nd offense	Interventions Review Committee and UP TO 2 days in jail		M7	M17	H99
M8	Conviction of **low level** misdemeanor - 2nd offense	AAM Conference, 20 hours CS, and UP TO 4 days in jail		M8	M18	H99
M9	Conviction of a **high level** misdemeanor - 1st offense	AAM Conference and UP TO 7 days in jail	M9	M19	M21	H99
M10	Absconding - 1st offense	AAM Conference, 40 hours CS, and UP TO 4 Days in jail	M10	H1	H9	H99
M11	Failure to participate in community service - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M11	H99
M12	Failure to maintain employment	Interventions Review Committee, Daily Reporting 80 hours, and Employment Class	M12	H6	H8	H99
M13	Association - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M13	H99
M14	Failure to pay supervision fees 3rd offense or $105 delinquent or Greater	Intervention Review Committee, Financial Management Class, Increased Reporting, AAM Conference, and UP TO 2 days in jail			M14	H99
M15	Failure to pay court ordered obligations: fines, court costs, restitution, or child support (90 days or more delinquent)	Intervention Review Committee, Written Warning, Financial Management Class, Increased Reporting, and UP TO 2 days in jail	M15	H6	H8	H99
M16	Change of Residence without permission - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M16	H99
M17	Travel violations In/Out of State - 3rd offense	AAM Conference and UP TO 7 days in jail			M17	H99
M18	Conviction of **low level** misdemeanor - 3rd offense	AAM Conference, 80 hours CS, AAM Conference, and UP TO 4 days in jail			M18	H99
M19	Conviction of a **high level** misdemeanor - 2nd offense	AAM Conference, 60 days EM and UP TO 7 days in jail		M19	M21	H99
M20	Failure to participate in treatment (dismissal)	AAM Conference and TVC (Petition to Revoke Probation)	M20	H6	H8	H99
M21	Conviction of a **high level** misdemeanor - 3rd offense	AAM Conference, 90 days EM and UP TO 7 days in jail			M21	H99
M99	Failure to abide by conditions and/or special conditions - 1st	AAM Conference and UP TO 2 days in jail	M99	H6	H8	H99

Condition Code	VIOLATION	HIGH LEVEL CONDITIONS INTERVENTIONS	PROGRESSION LEVELS			
			1st	2nd	3rd	4th
H1	Absconding - 2nd Offense	AAM Conference and TVC (either by waiver or a hearing)		H1	H9	H99
H2	Positive UA - Drugs or Alcohol - 3rd offense	SAPL Consultation and AAM Conference			H2	H99
H3	Pending new felony charges - non-violent or non-sexual offense	AAM/AM Conference and Recommendation and increased reporting	H3	H99		
H4	Pending new felony charges - violent or sexual offense	AAM/AM Conference and jail and Revocation Hearing/Petition to Revoke (See Note 1)	H4	H99		
H5	Failure to report - 3rd offense	AAM Conference, 80 hours CS, and UP TO 7 days in jail			H5	H99
H6	Failure to abide by conditions and/or special conditions - 2nd	AAM Conference and UP TO 5 days in jail		H6	H8	H99
H7	Possession of a weapon	AM Conference and revocation hearing / petition to revoke	H7	H99		
H8	Failure to abide by conditions and/or special conditions - 3rd	AAM Conference and UP TO 7 days in jail			H8	H99
H9	Absconding - 3rd Offense	Revocation Hearing/petition to revoke (See Note 2)			H9	H99

H99	4th Offense - any violation (or any combination of violations)	AM Conference				H99
	Pending new felony charges - 2nd offense	AM Conference and Revocation Hearing/Petition for Revocation				
	Possession of a weapon - 2nd offense	AM Conference and Revocation Hearing/Petition for Revocation				

Instructions and Information

For Condition Code "L" (Low-Level) Conditions Interventions:

1 • For Condition Code "L" violations you may choose any reasonable sanction from the "Low Level Conditions Interventions" list for the first violation.
• For low-risk clients with each subsequent low-level violation you must increase the intervention, choosing from the "Low Level Conditions
• For medium and high-risk clients when there is another violation of a particular low-level violation use the "Progression Levels" table. However, for

2 Once returned from TVC, client starts matrix over.

3 You must get pre-approval from the Area Manager (or higher authority) before deviating from this ArAIM.

4 A Battery III misdemeanor is not considered to be violent

5 Requests for Parole Revocation hearings must be approved by Assistant Director or higher authority

6 A violation report may be written at any time.

7 Screen popup for interventions regarding financial issues.

Note 1. For condition code H4 you must send an email notification to Steve.Arnold@arkansas.gov and Damian.McNeal@arkansas.gov

Note 2. For Condition Code H99, the intervention must be implemented within 7 days.
Programming note: Matrix should be updated by entry of positive drug screen. Message should appear when client's file is accessed that states "update

Note 3. Board of Corrections mandates from 6/21/2013 meeting have not yet been added to the latest version however, notification were sent out to all areas on 6/21/2013.

ARKANSAS ACCOUNTABILITY INTERVENTIONS MATRIX (ArAIM)

Revised 3/14/13

Condition Code	VIOLATION	LOW LEVEL CONDITIONS INTERVENTIONS	PROGRESSION LEVELS 1st	2nd	3rd	4th
L1	Failure to participate in community service (not litter crew) - 1st offense	Written Warning	L1	M1	M11	H99
L2	Positive UA - Drugs or Alcohol - 1st offense	SAPL Screening and Verbal Warning	L2	M2	H2	H99
L3	Association - 1st offense	Written Warning	L3	M3	M13	H99
L4	Failure to pay supervision fees - 1st offense-$70 or Greater	Written Warning and Increased Reporting	L4	M4	M14	H99
L5	Failure to report - 1st offense	Written Warning and UP TO 2 days in jail	L5	M5	H5	H99
L6	Change of Residence without permission - 1st offense	Written Warning	L6	M6	M16	H99
L7	Travel violation In/Out State - 1st offense	Intervention Review Committee	L7	M7	M17	H99
L8	Conviction of low level misdemeanor - 1st offense	Written Warning and 7 days house arrest	L8	M8	M18	H99
L9	Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	Interventions Review Committee	L9	M15	H6	H99

Condition Code	VIOLATION	MEDIUM LEVEL CONDITIONS INTERVENTIONS	PROGRESSION LEVELS 1st	2nd	3rd	4th
M1	Failure to participate in community service - 2nd offense	Interventions Review Committee and Recommendation		M1	M11	H99
M2	Positive UA - Drugs or Alcohol - 2nd offense	SAPL Consultation and Interventions Review Committee		M2	H2	H99
M3	Association - 2nd offense	Interventions Review Committee and Recommendation		M3	M13	H99
M4	Failure to pay supervision fees 2nd offense or $105 or greater	Interventions Review Committee and Recommendation, Increased Reporting, UP TO 2 days in jail		M4	M14	H99
M5	Failure to report - 2nd offense	Interventions Review Committee and Recommendation		M5	H5	H99
M6	Change of Residence without permission - 2nd offense	Interventions Review Committee and Recommendation 30 days Electronic Monitoring (EM)		M6	M16	H99
M7	Travel violations In/Out of State - 2nd offense	Interventions Review Committee and UP TO 2 days in jail		M7	M17	H99
M8	Conviction of low level misdemeanor - 2nd offense	AAM Conference, 20 hours CS, and UP TO 4 days in jail		M8	M18	H99
M9	Conviction of a high level misdemeanor - 1st offense	AAM Conference and UP TO 7 days in jail	M9	M19	M21	H99
M10	Absconding - 1st offense	AAM Conference, 40 hours CS, and UP TO 4 Days in jail	M10	H1	H9	H99
M11	Failure to participate in community service - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M11	H99
M12	Failure to maintain employment	Interventions Review Committee, Daily Reporting 80 hours, and Employment Class	M12	H6	H8	H99
M13	Association - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M13	H99
M14	Failure to pay supervision fees 3rd offense or $105 delinquent or Greater	Intervention Review Committee, Financial Management Class, Increased Reporting, AAM Conference, and UP TO 2 days in jail			M14	H99
M15	Failure to pay court ordered obligations: fines, court costs, restitution, or child support (90 days or more delinquent)	Intervention Review Committee, Written Warning, Financial Management Class, Increased Reporting, and UP TO 2 days in jail	M15	H6	H8	H99
M16	Change of Residence without permission - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M16	H99
M17	Travel violations In/Out of State - 3rd offense	AAM Conference and UP TO 7 days in jail			M17	H99
M18	Conviction of low level misdemeanor - 3rd offense	AAM Conference, 80 hours CS, AAM Conference, and UP TO 4 days in jail			M18	H99
M19	Conviction of a high level misdemeanor - 2nd offense	AAM Conference, 60 days EM and UP TO 7 days in jail		M19	M21	H99
M20	Failure to participate in treatment (dismissal)	AAM Conference and TVC (Petition to Revoke Probation)	M20	H6	H8	H99
M21	Conviction of a high level misdemeanor - 3rd offense	AAM Conference, 90 days EM and UP TO 7 days in jail			M21	H99
M99	Failure to abide by conditions and/or special conditions - 1st	AAM Conference and UP TO 2 days in jail	M99	H6	H8	H99

Condition Code	VIOLATION	HIGH LEVEL CONDITIONS INTERVENTIONS	PROGRESSION LEVELS 1st	2nd	3rd	4th

H1	Absconding - 2nd Offense	AAM Conference and TVC (either by waiver or a hearing)		H1	H9	H99
H2	Positive UA - Drugs or Alcohol, 3rd offense	SAPL Consultation and AAM Conference			H2	H99
H3	Pending new felony charges - non-violent or non-sexual offense	AAM/AM Conference and Recommendation and increased reporting	H3	H99		
H4	Pending new felony charges - violent or sexual offense	AAM/AM Conference and jail and Revocation Hearing/Petition to Revok	H4	H99		
H5	Failure to report - 3rd offense	AAM Conference, 80 hours CS, and UP TO 7 days in jail			H5	H99
H6	Failure to abide by conditions and/or special conditions - 2nd	AAM Conference and UP TO 5 days in jail		H6	H8	H99
H7	Possession of a weapon	AM Conference and TVC/ADC Recommendation	H7	H99		
H8	Failure to abide by conditions and/or special conditions - 3rd	AAM Conference and UP TO 7 days in jail			H8	H99
H9	Absconding - 3rd Offense	Revocation Hearing and Recommend TVC			H9	H99
H99	4th Offense - any violation (or any combination of violations) Pending new felony charges - 2nd offense Possession of a weapon - 2nd offense	AM Conference and Revocation Hearing/Petition for Revocation				H99

NOTE I **Once returned from TVC, client starts matrix over**
NOTE II **Deviation from this ArAIM requires Area Manager approval (or higher authority)**
NOTEIII **All Interventions with the exception of TVC, apply to Probation Offenders**
NOTE V **Requests for Parole Revocation hearings must be approved by Assistant Director or higher authority**

INCENTIVES MATRIX

Achievement	Template Insert	Incentive	Action
Reporting 90 Days with No Missed Office Visits (exclude annual and low supervision types)	"had no missed office visits for 90 days"	Agent/ Officer Recognition	Email Officer, cc AM
Reporting 6 Months with No Missed Office Visits (exclude annual supervision type)	"had no missed office visits for six months"	Incentives Committee Recognition	Email AAM
Reporting One Year with No Missed Office Visits (exclude annual supervision type)	"had no missed office visits for an entire year. We recognize that this has required good time management and dedication on your part and we thank you."	Manager Recognition and Certificate	Email AAM
Completion of Judge or Parole Board Ordered Community Service in Alotted Timeframe	"completed your required Community Service within the required timeframe. We would like to say "thank you" from DCC as well as the people whose lives you have affected."	Letter from Supervision	Email AM
Supervision Fees Current for Twelve Months	"consistently paid your supervision fees for twelve months. We recognize this has required commitment as well as good financial management and we thank you."	Supervisor Recognition	Email AAM/AM
30, 60, 90 ... Days Sobriety (every 30 days)	"maintained your sobriety for the last 'x' (calculated days) days. We recognize your commitment to be drug free may require a lifestyle change, as well as a change in personal relationships and we applaud your efforts."	Recognition Determined by Treatment Staff	Email to AM to get with Treatment Staff
Successful Completion of Treatment or Other Special Programs	"successfully completed your program of treatment. We recognize your commitment to the program may have required a lifestyle change, as well as a change in personal relationships, and we applaud your efforts."	Incentives Committee Recognition	Email to Ben Udochi and assistants
Maintain Employment for 6 months	"maintained continuous employment for six months. We recognize your commitment to retain a job may require a lifestyle change, as well as a change in personal relationships, and we applaud your efforts.""	Incentives Committee Recognition	Email AAM to check employment records
Completion of all Special Conditions	"completed all required special conditions. These conditions have required commitment and dedication and we thank you for your efforts."	Supervisor Recognition	Email AM
Completion of GED	"successfully completed your GED program. We recognize your studies have required both commitment and dedication and we applaud your determination to improve your education."	Recognition Program	Email AM and Assistant Director
100% Compliance with Court Ordered Fines, Costs, or Restitution after One Year			Manual process
Special Achievement as Determined by Incentives Committee			Manual process

ARKANSAS ACCCOUNTABILITY INTERVENTIONS MATRIX REPORT (ArAIM)

Revised 11/28/2012

Condition Code	VIOLATION	LOW LEVEL CONDITIONS INTERVENTIONS	PROGRESSION LEVELS 1st	2nd	3rd	4th
L1	Failure to participate in community service (not litter crew) - 1st offense	Written Warning	L1	M1	M11	H99
L2	Positive UA - Drugs or Alcohol - 1st offense	SAPL Screening and Verbal Warning	L2	M2	H2	H99
L3	Association - 1st offense	Written Warning	L3	M3	M13	H99
L4	Failure to pay supervision fees ($35) - 1st offense	Written Warning and Increased Reporting	L4	M4	M14	H99
L5	Failure to report - 1st offense	Written Warning and UP TO 2 days in jail	L5	M5	H5	H99
L6	Change of Residence without permission - 1st offense	Written Warning	L6	M6	M16	H99
L7	Travel violation in State - 1st offense	Intervention Review Committee	L7	M7	M17	H99
L8	Conviction of low level misdemeanor - 1st offense	Written Warning and 7 days house arrest	L8	M8	M18	H99

Condition Code	VIOLATION	MEDIUM LEVEL CONDITIONS INTERVENTIONS	PROGRESSION LEVELS 1st	2nd	3rd	4th
M1	Failure to participate in community service - 2nd offense	Interventions Review Committee and Recommendation		M1	M11	H99
M2	Positive UA - Drugs or Alcohol - 2nd offense	SAPL Consultation and Interventions Review Committee		M2	H2	H99
M3	Association - 2nd offense	Interventions Review Committee and Recommendation		M3	M13	H99
M4	Failure to pay supervision fees 2nd offense or $70 delinquent	Interventions Review Committee and Recommendation, Increased Reporting, UP TO 2 days in jail		M4	M14	H99
M5	Failure to report - 2nd offense	Interventions Review Committee and Recommendation		M5	H5	H99
M6	Change of Residence without permission - 2nd offense	Interventions Review Committee and Recommendation, 30 days Electronic Monitoring (EM)		M6	M16	H99
M7	Travel violations in State - 2nd offense	Interventions Review Committee and UP TO 2 days in jail		M7	M17	H99
M8	Conviction of low level misdemeanor - 2nd offense	AAM Conference, 20 hours CS, and UP TO 4 days in jail		M8	M18	H99
M9	Conviction of a high level misdemeanor - 1st offense	AAM Conference and UP TO 7 days in jail	M9	M19	M21	H99
M10	Absconding - 1st offense	AAM Conference, 40 hours CS and UP TO 4 Days in jail	M10	H1	H9	H99
M11	Failure to participate in community service - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M11	H99
M12	Failure to maintain employment	Interventions Review Committee, Daily Reporting 80 hours, and Employment Class	M12	H6	H8	H99
M13	Association - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M13	H99
M14	Failure to pay supervision fees 3rd offense or $105 delinquent	Intervention Review Committee, Financial Management Class, Increased Reporting, AAM Conference, and UP TO 2 days in jail			M14	H99
M15	Failure to pay court ordered obligations: fines, court costs, restitution, or child support (60 days or more delinquent)	Intervention Review Committee, Written Warning, Financial Management Class, Increased Reporting, and UP TO 2 days in jail	M15	H6	H8	H99

M16	Change of Residence without permission - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M16	H99
M17	Travel violations in State - 3rd offense	AAM Conference and UP TO 7 days in jail			M17	H99
M18	Conviction of low level misdemeanor - 3rd offense	AAM Conference, 80 hours CS, AAM Conference, and UP TO 4 days in jail			M18	H99
M19	Conviction of a high level misdemeanor - 2nd offense	AAM Conference, 60 days EM and UP TO 7 days in jail		M19	M21	H99
M20	Failure to participate in treatment (dismissal)	AAM Conference and TVC (Petition to Revoke Probation)	M20	H6	H8	H99
M21	Conviction of a high level misdemeanor - 3rd offense	AAM Conference, 90 days EM and UP TO 7 days in jail			M21	H99
M99	Failure to abide by conditions and/or special conditions - 1st	AAM Conference and UP TO 2 days in jail	M99	H6	H8	H99

Condition Code	VIOLATION	HIGH LEVEL CONDITIONS INTERVENTIONS	PROGRESSION LEVELS			
			1st	2nd	3rd	4th
H1	Absconding - 2nd Offense	AAM Conference and TVC (either by waiver or a hearing)		H1	H9	H99
H2	Positive UA - Drugs or Alcohol - 3rd offense	SAPL Consultation and AAM Conference			H2	H99
H3	Pending new felony charges - non-violent or non-sexual offense	AAM/AM Conference and Recommendation and increased reporting	H3	H99		
H4	Pending new felony charges - violent or sexual offense	AAM/AM Conference and Recommendation and jail	H4	H99		
H5	Failure to report - 3rd offense	AAM Conference, 80 hours CS, and UP TO 7 days in jail			H5	H99
H6	Failure to abide by conditions and/or special conditions - 2nd	AAM Conference and UP TO 5 days in jail		H6	H8	H99
H7	Possession of a weapon	AM Conference and TVC/ADC Recommendation	H7	H99		
H8	Failure to abide by conditions and/or special conditions - 3rd	AAM Conference and UP TO 7 days in jail			H8	H99
H9	Absconding - 3rd Offense	Revocation Hearing and Recommend TVC			H9	H99
H99	4th Offense - any violation (or any combination of violations) Pending new felony charges - 2nd offense Possession of a weapon - 2nd offense	Revocation Hearing and Recommend TVC				H99

NOTE I Once returned from TVC, client starts matrix over

NOTE II NO technical violations go to ADC

NOTE III Deviation from this ArAIM requires Area Manager approval (or higher authority)

NOTE IV All Interventions with the exception of TVC, apply to Probation Offenders

NOTE V Requests for Parole Revocation hearings must be approved by Assistant Director or higher authority

ARKANSAS PAROLE BOARD

POLICY MANUEL

ARKANSAS BOARD OF PAROLE

MIKE BEEBE
Governor

LEROY BROWNLEE
Chairman

105 W. CAPITOL – SUITE 500, LITTLE ROCK, AR 72201
PHONE (501) 682-3850 / FAX (501) 682-3860

Parole 101 – A Quick Guide to the Parole Process

The information contained in this document is not an exhaustive description of the Parole process. This document is provided solely as a courtesy for interested parties. For further information please contact our office or the Institutional Release Officer (IRO) at the unit where the individual is incarcerated.

The Inmate:

1. Will receive written notice of his/her hearing or screening. That notice will describe the type of hearing they will have among other relevant information.
2. Will have the right to have an attorney or other interested persons attend his/her hearing. Those individuals should arrive at the unit at least 1 hour prior to the scheduled start time. If the inmate chooses to have individuals speak at his/her hearing, one individual must be designated as the spokesperson. The Commissioner, or Hearing Examiner, conducting the hearing may allow others to speak if they possess relevant testimony.
3. Will be entitled to present any relevant documentary evidence in his/her possession at the time of his/her hearing. The Board reserves the right to require documentation be notarized and/or be placed on an official letterhead if it deems those actions necessary.
4. May request copies of any statements or recommendations from law enforcement, the Prosecutor, or other public officials prior to his/her hearing. Such requests must be made in writing at least 7 days prior to the scheduled hearing.
5. Will be notified at the conclusion of his/her hearing of the date when the Board's decision will be released.

Other Information:

1. The Arkansas Board Parole, in consultation with the Department of Correction, will conduct hearings via video as deemed appropriate. The Board member conducting the hearing via video will have available, all information that would be available to any Board member present at the hearing. The normal process will still be followed in these cases.
2. Visitors attending a parole hearing must follow the Department of Correction's guidelines for proper grooming and attire.
3. Visitors attending a parole hearing will be required to pass through a metal detector and may be subjected to a physical pat-down.
4. Adult visitors attending a parole hearing must possess a valid state-issued ID in order to be admitted into the hearing. Minors must be accompanied by an adult in order to be admitted.

Current as of 12/29/2009

ARKANSAS BOARD OF PAROLE

MIKE BEEBE
Governor

LEROY BROWNLEE
Chairman

105 W. CAPITOL – SUITE 500, LITTLE ROCK, AR 72201
PHONE (501) 682-3850 / FAX (501) 682-3860

Revocation 101 – A Quick Guide to the Revocation Process

The information contained in this document is not an exhaustive description of the Revocation process. This document is provided solely as a courtesy for interested parties. For further information please contact our office or the appropriate Department of Community Correction Area Parole Office.

The Parolee:

1. Will have the right to appear at a revocation hearing reasonably near the location of the alleged violation(s) or his/her arrest. At the hearing the Hearing Examiner will determine whether they have violated a condition or conditions of his/her parole and, if so, whether his/her parole should be revoked.
2. Will have the right to call witnesses to testify at the hearing, or they may present written statements. They may present any documents or evidence that they think will assist them. Documents submitted must be received 72 hours in advance whenever possible.
3. May be represented by an attorney at the hearing. If they cannot afford an attorney and feel they need one, they may ask the Hearing Examiner to appoint one. There is no right to have an attorney appointed in every case, but the Hearing Examiner can appoint one in certain circumstances. His/Her parole officer will provide them an application form for appointment of counsel upon request.
4. May confront and cross-examine witnesses against them unless the Hearing Examiner rules that there is good cause for not allowing confrontation.
5. May ask to have the hearing postponed for good cause.
6. Will receive a written statement as to the evidence relied on and the reasons for the action taken.
7. Will have the right to appeal, in writing, the decision of the Hearing Examiner to the Arkansas Board of Parole.

Other Information:

1. The Arkansas Board of Parole reserves the right to conduct the hearing via video if it is in the best interest of the agency. The conduct of a hearing via video will not alter any of the guidelines for a Revocation hearing.
2. The Hearing Examiner reserves the right to deny admittance of minor children to the hearing, if they will present no relevant testimony during the hearing and their presence creates a distraction.
3. If a parolee is in the custody of law enforcement at the time of the hearing, there will be no physical contact (i.e. hugging) permitted.
4. Revocation hearings are scheduled to last no more than 30 minutes. If more time is needed, that request must be made to the Board at least 72 hours in advance.

Current as of 12/29/2009

ARKANSAS PAROLE BOARD

POLICY MANUAL

Revised and Adopted January 31, 2013

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Board Approval
January 31, 2013

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Arkansas Parole Board Policy Manual

Revised and Adopted on January 31, 2013

BOARD MEMBERSHIP, RESPONSIBILITIES, TRAINING, AND OFFICERS

The Arkansas Parole Board ("the Board" or "Board") is composed of seven full time members appointed by the Governor and confirmed by the Senate. Each member is appointed for a term of seven years, except that the terms shall be staggered by the Governor so that the term of one member expires each year. If a vacancy should occur on the Board prior to the expiration of a term, the Governor shall fill the vacancy for the remainder of the unexpired term, subject to confirmation by the Senate at its next regular session. The Governor may remove a Board member for good cause as prescribed by law. If the Senate is not in session, confirmation of the removal will be by written petition of a majority of the senators. For those persons eligible for parole, the Board has statutory authority to determine what persons will be placed on parole and to set the time and conditions of the parole. The Board will conduct open meetings and make public its findings for each eligible candidate for parole. However, inmate interviews may be closed to the public at the request of the inmate (Arkansas Code Annotated § 16-93-615).

The Board is also responsible for reviewing all pardon and commutation applications and making non-binding recommendations to the Governor.

Board Members, Hearing Examiners, and Support Staff are responsible for carrying out the Board's mission and complying with applicable laws; and all policies within this manual.

Board members must not seek or hold public office which would represent a conflict of interest while on the Board.

Arkansas Code Annotated § 16-93-201 requires that each member must have at least a bachelor's degree from an accredited college or university, and the member should have no less than five (5) years of professional experience in a field listed below. If a member does not have a bachelor's degree from an accredited college or university, they must have (7) years of professional experience in one of the fields listed below:

1. Parole Supervision
2. Probation Supervision
3. Corrections
4. Criminal Justice
5. Law
6. Law Enforcement
7. Psychology
8. Psychiatry
9. Sociology
10. Social Work
11. A related field

The American Correctional Association (ACA) recommends that the racial makeup of the Board should be representative of the diversity of the significant population under its jurisdiction

If the composition of the Board does not meet this standard, the Chairperson will bring this issue to the Governor's attention during the selection process for a new Board member.

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Whether or not they have served on the Board previously, a member appointed after July 1, 2011, shall complete a comprehensive training course developed in compliance with guidelines from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

All members shall complete annual training developed in compliance with guidelines from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

Training components shall include at a minimum an emphasis on the following subjects:

1. Data-driven decision making
2. Evidence-based practice
3. Stakeholder collaboration
4. Recidivism reduction

All Hearing Examiners shall be subject to the same training curriculum developed for members of the Board.

The Governor shall appoint the Chairperson of the Board. The Board shall elect, during the month of February, a Vice Chairperson and a Secretary to serve as officers for the upcoming year. Officers shall be elected by a majority of members present and voting. If an office becomes vacant in the interim, the Board shall elect, at its next regular meeting, a member to serve in that office until the next election. A special election of officers may be called at any time at the request of a majority of the members.

Quorum and General Voting Information

A quorum of four members is required to vote on each parole release case. All parole cases reviewed by a single member shall be reviewed by the full Board for agreement prior to a final decision. Such review shall consist of the single member advising the full Board of the following:

1. The inmate's name
2. The inmate's ADC number
3. The inmate's disciplinary class
4. County and year of conviction(s)
5. The inmate's PE/TE and Discharge dates
6. The reason for the member's recommendation(s)

Board practice is to have 7 members vote on executive clemency death sentence cases and a minimum of four votes on other clemency requests.

A member who recuses themselves is not eligible to vote and shall not be counted in determining whether there is a quorum. It is sufficient that a motion, decision, or proposition receives a majority of the votes actually cast. Each Board member has the right to vote on each consideration presented.

Note: No single member may make a request for release to the ADC or DCC without full Board approval in accordance with the rules set forth above.

Recusal

No member of the Board or a Hearing Examiner should participate in the determination of any matter before them if they:

1. are closely related to the person, the person's attorney, or the victim
2. have had a personal or business relationship with the person, the person's family, the person's attorney, the victim, or the victim's family which would affect or reasonably give the appearance of affecting judgment in the matter
3. have served as counsel for either party in legal proceedings concerning the person
4. have any other interest in the proceeding that would affect or reasonably give the appearance of affecting their judgment in the matter.

The responsibility for determining the appropriateness of recusal under the guidelines established by this policy shall be solely upon that member or Hearing Examiner.

In establishing these guidelines for recusal, it is not the intent of the Board to create a right or basis to challenge the actions of this Board, any member of the Board or Hearing Examiner, which is not otherwise provided by the laws or Constitution of this State or the United States. In the event a Board member or Hearing Examiner abstains or recuses from a vote for parole, transfer, pardon or commutation, this action is final and cannot be changed.

CONSIDERATION OF INMATES ELIGIBLE FOR PAROLE / TRANSFER

General Information

"Parole" is the release of an inmate into the community prior to the expiration of the sentence, subject to conditions imposed by the Board and to supervision. Supervision is accomplished on behalf of the Board by Parole/Probation Officers, also referred to as "supervision officers," who work for the Arkansas Department of Community Correction (DCC).

Depending on the date of the offense, some inmates are "transfer eligible," some are "parole eligible," and some inmates are not eligible for parole, but may be considered for release under clemency laws.

The DCC Institutional Release Services (IRS) staff will prepare case records for use by Board members in conducting case reviews and hearings, as required by Arkansas law. Preparation by DCC IRS for an inmate's review shall begin no later than six (6) months prior to that inmate's eligibility date. Board staff will manage these case records to ensure timely review/hearings.

All release hearings will be conducted by a member or members of the Board. However, in situations where there are staffing shortages or high workload, the Chairperson may choose to designate Hearing Examiners to conduct release hearings on an interim basis.

Risk/Needs Assessments

The Board shall consider the results of a validated risk/needs assessment tool as a part of all release decisions. That same assessment will also influence any conditions of release. The assessment will be administered by staff from ADC and/or DCC in a manner authorized by the

Board.

Inmates with Transfer Eligible (TE) Dates

The Arkansas Code Annotated 16-93-614, 615, 616, and 617 allows for the transfer of inmates who have committed certain crimes on or after January 1, 1994, under the provisions of a transfer date, to be transferred to parole status by the ADC subject to rules and regulations promulgated by the Board of Corrections and conditions set by the Board. The electronic Offender Management Information System (eOMIS) assigns a transfer eligibility (TE) date to inmates who are in this "transfer eligible" category (other inmates who are eligible for parole are assigned a "parole eligibility (PE)" date).

When the Board considers an inmate with a TE date the Board will have only two options:

1. Transfer the inmate to the DCC with specified conditions such as supervision level, programming requirements, and facility placement when appropriate. Conditions must be within the current resources of the DCC; or
2. Deny transfer to the inmate, based on established criteria, until the inmate completes a course of action established by the Board that would rectify the Board's concerns. After the completion of the required course of action (which must be within the current resources of the ADC), and final review of the inmate's file to ensure successful completion, the Board will be required to transfer the inmate to the DCC in accordance with administrative policy and subject to conditions attached to the transfer. Should an inmate fail to complete the course of action outlined by the Board to facilitate their transfer to community supervision, it shall be the responsibility of the inmate to petition the Board for a rehearing. In these cases, there will not be an automatic rehearing.

This review may be conducted without a hearing when the inmate has not received a major disciplinary report which resulted in the loss of good time, there has not been a request by a victim to have input on transfer conditions, and there is no indication in the risk/needs assessment review that special conditions need to be placed on the inmate.

A hearing should also be held if an inmate objects to special conditions set by the Board or the Board reverses a previous decision to release the inmate. For cases which only require a review, a Board member may choose to hold a hearing if considered appropriate.

The Institutional Release Officers (IRO) will use eOMIS information and procedural guidance to determine whether the Board can screen an inmate's records and release the inmate without a hearing, or whether a hearing is required. The IRO advises the Board of the options in this regard.

Inmates who are assigned to Varner SuperMax or who are in administrative segregation should be reviewed to determine class and the level of the Varner SuperMax program completion. An inmate may be reviewed by a single member, but the file shall then be forwarded to the full Board for hearing and final determination. Final determination is subject to review by the Board. Unless otherwise determined by a of the Board, an inmate incarcerated at the Varner SuperMax Unit who has failed to attain Level 5 will not be granted a rehearing by the Board unless and until such level has been attained.

Discretionary Transfer (Exceptions to Transfer Eligible (TE) Dates)

Inmates who, on or after January 1, 1994, commit any Homicide, Sexual Assault in the First Degree, Sexual Assault in the Second Degree, Battery in the First Degree, Domestic Battery in the First Degree, Kidnapping, Rape, Aggravated Robbery, Causing a Catastrophe, Engaging in a Continuing Criminal Enterprise, and Simultaneous Possession of Drugs and Firearms shall be considered for discretionary transfer to the DCC. Discretionary authority means the Board can deny parole with or without recommending a course of action to the inmate even if a course of action is recommended and completed; the Board is not required to release the inmate to community supervision.

The above inmates may be reviewed by a single member but the file shall then be forwarded to the full Board for consideration and then a final determination.

The Board will have the authority to transfer such an inmate at a time when, based on a combination of its members' opinion and a validated risk needs assessment tool, there is a reasonable probability that the inmate can be released without detriment to the community or the inmate.

After the Board has fully considered and denied the transfer of an offender sentenced for committing a discretionary offense, the Board may delay any reconsideration of the transfer for a maximum period of two (2) years.

Note: The same standard of review just listed shall apply to inmates whose crimes were committed prior to January 1, 1994 (Parole Eligible) but who were convicted of the crimes listed in paragraph one (1) of this section.

Inmates with Parole Eligible (PE) Dates

For inmates with a PE date, the Board has discretionary transfer authority. A Board "discretionary transfer" hearing will be conducted for all inmates with a parole eligible (PE) date, unless the inmate waives the hearing in writing. Board members will use the release decision criteria listed on page 8 of this manual as a basis for deciding whether to approve a transfer.

Foreign Nationals

Parole consideration must be the same for foreign nationals. Their status or inability to return to their home country must not affect a parole decision. A foreign national may be paroled to their home country when informal arrangements can be made for the transfer and when the inmate consents. The Board shall consider the placement of post-release conditions on offenders released to their home country or an immigration detainer. The condition(s) will take effect upon their reentry to the United States.

Time Computation

Within 90 days of incarceration, the ADC will provide inmates who have a TE or PE date with a time card that will provide at a minimum the following information: (1) sentence length, (2) offense, (3) minimum required time to be served before transfer/parole eligibility, (4) jail time credit, (5) class status, and (6) release dates.

Notification of Officials and Victims

The Board will use Form 153 (Attachment 1: Law Enforcement Response) to solicit the written or oral recommendations of the sentencing court, the prosecuting attorney, and the sheriff of the county from which the inmate was committed. If the person whose parole is being considered by the Board was convicted of capital murder, of a Class Y, Class A, or Class B felony, or any violent or sexual offense, the Board shall also notify the victim of the crime, or the victim's next of kin, of the parole hearing and shall solicit written or oral recommendations of the victim or their next of kin regarding the granting of the parole. If the prosecuting attorney has notified the Board at the time of commitment of the prisoner that the victim or their next of kin does not want to be notified of future parole hearings, no such notifications will be made. When soliciting recommendations from a victim the Board must notify the victim or his/her next of kin, of the date, time, and place of the parole hearing.

A victim of the crime, or the victim's' next-of-kin, who wish to participate in the victim input process have two responsibilities: (1) notify the Board or its designee of their intention to provide input, and (2) provide current contact information to the Board or its designee.

Supporting documentation from the victim, or the victim's next-of-kin, will be accepted by the Board. In cases involving the transfer of an inmate, the victim, or the victim's next-of-kin, may request and be granted a hearing to provide input concerning the inmate's release conditions only.

At the time that a person is paroled or transferred by the Board, the Department of Community Correction shall give written notice of the granting of the release or transfer to the Sheriff, the Judge, and the Chief(s) of Police of all cities of the first class of the county from which the person was sentenced. If a victim or the victim's next-of-kin has requested notification, notice will also be provided by the Parole/Probation Officer.

If a person is released to a county other than that from which he/she was committed, the Department of Community Correction, or its designee, shall give notice to the Chief of Police or Marshall of all cities to which he/she is released, and the Sheriff of the county to which he/she is released.

A record shall be kept of the actions of the Board. The IRS staff shall notify each institution of decisions relating to persons who are or have been confined therein. The Board will retain a copy of recommendations received and such recommendations will be open to the public during reasonable business hours.

Release Hearing Preparation and Guidelines

The Board requires that an inmate receive written notice of parole or transfer hearings at least fourteen days prior to the hearing. An inmate will be notified by the IRO located at their unit through a personal interview. The five objectives of the interview are: (1) to notify the inmate whose hearing is being scheduled to meet the Board, (2) to obtain the inmates signature acknowledging either the "Notice of Hearing" form, a waiver of the hearing, or a deferral of consideration. The original of the form is to be given to the inmate and the pink copy filed in the inmate's State file. A new form is required each time an inmate is scheduled for a hearing, (3) to obtain detailed information regarding the inmate's release plans if parole is granted (4) to provide the inmate with copies of Form 153 statements from sheriffs, judges, and prosecuting attorneys, if any, and (5) to answer any questions the inmate may have regarding parole.

Approximately fourteen days before the hearing the IRS staff will prepare, update and verify a parole file for each inmate being considered for parole or executive clemency. If there is any question as to the accuracy of the information gathered, the staff should verify the accuracy. If the accuracy cannot be verified, the information will be annotated to state this fact. The parole file will contain a voting worksheet for the Board members, a synopsis of the inmate's state file, a Field Report submitted by a Parole/Probation Officer, required legal notices, the results of a validated risk/needs assessment, victim notification information if required, Form 153 responses from sheriffs, judges, and prosecuting attorneys, support and protest correspondence, if any, and prior Boot Camp or parole violation warrants, reports, transcripts, and parole plan. The file is delivered to the Board about one week before interviews at the unit in order for Board members to review prior to the hearing and to refer to the file during the hearing if necessary.

The IRS staff will give the inmate copies of Form 153 responses from sheriffs, judges, and prosecuting attorneys so that the inmate will have information on which the parole decision will be made. If an inmate has requested a victim statement, the request will be forwarded to the DCC Public Relations Office for processing. State law prohibits staff from releasing State criminal justice records to inmates. The IRS staff should advise the inmate that additional confidential information may be considered by the Board such as witness statements and the Board will consider the inmate's work, education, and disciplinary records. When the Board member uses confidential information (that has not been provided to the inmate) as a basis for a decision, the Board member should advise the inmate that confidential information is being used as a basis for the decision.

Each inmate may invite a representative to attend and speak on his/her behalf at the Board hearing. Attorneys will be offered preference to be moved to the top of the docket. There is no limit to the number of visitors an inmate may invite to the hearing. The Board may limit presentations to just one visitor in addition to hearing from the inmate or their representative. There is no age limit. However minors may be barred from the hearing if their presence creates a disruption. Visitors are not required to be on the inmate's Visitation List but must be eligible for it. All visitors must comply with attire and grooming rules. Units will give the utmost consideration to security when admitting visitors to the unit for Board hearings. Victims who arrive at a unit to attend the inmate's hearing will not be admitted to the hearing. Under Arkansas law, the victim is entitled to a separate hearing with the Board.

Parole Hearing Panel

The Board may designate a panel for the interviewing of persons for possible parole, transfer and executive clemency. In addition to a Board member or Hearing Examiner, a panel may be comprised of one of the following: another Board member, a Hearing Examiner, a designated official of the ADC, a designated official of the DCC, or a designated official selected by the Board member interviewing.

Transfer Decision Criteria for TE and PE Inmates

Release or discretionary transfer may be granted to an eligible person by the Board when, in its opinion, there is a reasonable probability that the person can be released without detriment to the community or him/herself.

In making its determination regarding a inmate's release or discretionary transfer, the Board must consider the following factors:

1. Institutional adjustment in general, including the nature of any disciplinary actions;
2. When considered necessary, an examination and opinion by a psychiatrist or psychologist can be requested and considered;
3. The record of previous criminal offenses (misdemeanors and felonies), the frequency of such offenses, and the nature thereof;
4. Conduct in any previous release program, such as probation, parole, work release, boot camp or alternative service;
5. Recommendations made by the Judge, Prosecuting Attorney, and Sheriff of the county from which a person was sentenced, or other interested persons;
6. The nature of the release plan, including the type of community surroundings in the area the person plans to live and work;
7. The results of a validated risk/needs assessment
8. The inmate's employment record;
9. The inmate's susceptibility to drugs or alcohol;
10. The inmate's basic good physical and mental health;
11. The inmate's participation in institutional activities, such as, educational programs, rehabilitation programs, work programs, and leisure time activities;
12. The failure of an inmate incarcerated at the Varner Unit Super Max to attain Level 5;
13. When there is a detainer, the Board must pursue the basis of any such detainer and only release the inmate to a detainer where appropriate. A detainer must not be considered an automatic reason for denying parole.

Conducting a Release Hearing

All hearings will be conducted in privacy, and all individual case information will be kept confidential. Prior to the hearing, Board members must review information available in writing about the offender's prior history, current situation, events in the case since any previous hearing, information about the offender's future plans and relevant conditions in the community. The Board member conducting the hearing is responsible for making a record of the major issues and findings in the hearing report.

The Chairman, in consultation with Board staff and staff from the ADC and DCC, will decide if video conferencing will be used at a given hearing and who will participate by way of video conferencing. Video conferencing is an appropriate option in certain circumstances, including the following; to meet urgent deadlines, when severe weather conditions prevent the safe travel of Board members, or when it would be the most effective and efficient use of manpower and budgetary resources.

In advance of the hearing, the inmate will be notified about their hearing may be conducted via video. If it is apparent that participating in a hearing conducted via video will create an undo hardship due to a documented disability, the Chairman will make arrangements for certain accommodations and/or ensure that an inmate is seen in person.

Parole Consideration of Out-Of-State Inmates (Interstate Compact, Act 700)

The Board will transfer or consider for parole those eligible persons serving sentences outside the State in the following manner:

When an inmate confined in the prison system of another state or the federal system becomes eligible for transfer or parole in Arkansas, as indicated by a certified copy of a Judgment and

Commitment Order from a court of this state, the appropriate records office of the ADC shall notify the DCC IRS office.

Before taking action on a transfer or parole request by an out-of-state inmate, the DCC IRS office will request, in writing, that the corresponding board or commission in the jurisdiction where the person is incarcerated, provide the following information: 1) For all cases, a validated risk assessment evaluation; 2) For cases with a PE date, a recommendation and supporting documentation as to whether the person should be released.

The Board will use the information provided in lieu of the person's personal appearance before the Board. The Board will also consider information about the person and his/her crime provided by parole staff, law enforcement agencies, the victim(s) (or the victim(s)' next-of-kin), public officials, the person being considered, and other interested persons.

All other provisions of Arkansas law pertaining to transfer and/or the granting or denying of parole to persons held by the state shall apply.

Processing and Transmitting Release Decisions

The Department of Community Correction IRS office is the designated entity for processing all Board decisions relating to parole/transfer (grant, denial, or deferral) and Executive Clemency (a recommendation of with or without merit). The Board will record all votes in eOMIS and transmit both an electronic and paper copy to IRS. The record of the votes in eOMIS will then be audited by DCC IRS staff to ensure correctness. Once all votes have been verified, the IRS staff will forward a record of votes to each Institutional Release Officer (IRO) at the various ADC and DCC units.

Prior to releasing a vote to an inmate, the IRO will once again verify that all information regarding the inmate's parole is correct. The decision of the Board will then be given to the inmate in a manner consistent with unit policy. Refer to the "Release Decision Summary" section below for additional information.

It is the responsibility of the IRO to contact the appropriate unit staff if an inmate is required to complete any program(s) prior to release. The IRO is also responsible for any other action requested regarding the Board's decision.

The specific date of an inmate's release will be set by the inmate's unit of assignment. The IRO is the designated party for conveying that date to the inmate.

Release Decision Summary.

A person considered by the Board for release will be advised in writing of the Board's decision within 21 days from the date of the hearing. The notification will include the Board's action and the most significant reason(s) for that action. The needs for safety and security within each unit prescribe that no information concerning the vote on the possible release of an inmate will be made until such date determined by the Board following the ratification of voting held at a regularly scheduled meeting of the Board.

Vote sheets are used in every decision making process done by the Board and are available upon request from the DCC Public Information Office.

Release of an Inmate with an Incurable Illness or who is Permanently Incapacitated (Arkansas Code Ann. §12-29-404)

When, in the independent opinions of a prison physician and a consultant physician from Arkansas, an inmate has an incurable illness which, on the average, will result in death within twenty-four (24) months, or when an inmate is permanently incapacitated, the Director of the ADC or the Director of the DCC shall make these facts known to the Board.

The Board shall request all such information that is germane to making a decision. If the facts warrant and the inmate's physical condition no longer makes them a threat to public safety, the Board may approve the inmate for immediate transfer to parole supervision.

An inmate is not eligible for parole under this section if:

1. They are required to registered as a sex offender under Arkansas Code Ann. §12-12-901 et seq. and
2. The inmate is assessed as a Level Three (3) or higher; or
3. A victim of one or more of the inmate's sex offenses was 14 years of age of younger

The Board may revoke an inmate's parole supervision granted under this section if, after notification, it is determined that the offender's medical condition improves to the point that they would initially not have been eligible under these guidelines.

Modified Release Guidelines for Short-Term Offenders

Arkansas Code Annotated § 16-93-710, authorizes the Board to set modified hearing guidelines for offenders who have a sentence of 2 years or less and become Transfer Eligible while in the county jail.

Upon notification of an offender's eligibility by the ADC, the DCC shall immediately make all necessary notifications to law enforcement officials and victims (See "Notification of Officials and Victims"), schedule the offender for a hearing, and assemble the hearing file for the Board's review. The ADC shall expedite the intake of eligible offenders.

The Board shall consider the file as a screening. All other standard hearing processes shall be followed.

At the discretion of the Board, eligible offenders may be paroled directly from the County Jail Back-up List. If an offender is to be released directly from the County Jail Back-up List, their file must be reviewed by the Board no later than 6 months prior to their eligibility date. The Board shall work collectively with both ADC and DCC to develop guidelines for these offenders.

- Any offender convicted under A.C.A. § 5-4-501(c)(2) or of a Class Y felony shall be ineligible for release under this option. As determined by the county sheriff, an offender who has committed a violent or sexual act while incarcerated in a county jail facility shall be ineligible for release under this option.

For offenders with a sentence greater than two years, the Board shall establish procedures sufficient to mitigate the risk of those offenders becoming Transfer Eligible while in the county jail. The Board Chairman shall designate an employee of the Board to regularly review the ADC County Jail Back-up List and compile the names of offenders whose intake needs to be

expedited by the ADC. This compiled list shall consist of those individuals who are within 6 months of becoming Transfer Eligible but may be expanded in scope as the need arises. This list shall contain at a minimum the names, ADC #, and county where these offenders are being held. Once this list is certified by the Board Chairman or their designee, it shall be transmitted to the ADC and they shall in turn schedule these offenders for intake.

Once these individuals are brought in to the Department, ADC shall notify DCC-Institutional Release Services of their Intake. DCC shall immediately begin the process of scheduling these offenders for the next upcoming Board. Offenders with non-discretionary convictions and those without an active conviction for a sexual offense shall be transmitted to the Board as a screening. Offenders whose conviction is discretionary and those who have an active conviction for a sexual offense shall be scheduled for a hearing. Offenders convicted of "Failure to Register" on a discharged registerable offense shall be scheduled for a screening.

Electronic Monitoring of Offenders

Based on the pre-established criteria in Arkansas Code Ann. §16-93-711, the Director of ADC or DCC will request the Board consider the release of certain inmates to electronic monitoring after they have served 120 days of their sentence. The Board will consider these offenders under the normal guidelines that apply to the screening process.

Inmates released under this section shall remain on electronic monitoring for at least 90 days or until their transfer eligibility date, whichever is sooner.

Early Release Program for Offenders to Transitional Housing Facilities – Act 679 of 2005

Offenders held in the Department of Correction (ADC), other than those excluded below, shall be eligible for early release to a transitional housing facility, or an equivalent entity, licensed by the Department of Community Correction (DCC) up to one (1) year prior to the offender's date of eligibility for parole or transfer. An offender's home or the residence of an offender's family member shall not be considered a transitional housing facility for the purposes of this program. Offenders released under this program must reside at an approved transitional housing facility until they reach their eligibility date.

It is determined that there is a reasonable probability that an offender within one (1) or more or the following categories cannot be placed in a transitional housing facility under the provisions of this program without posing a detriment to the community or the offender. Therefore an offender is not eligible for this program if:

1. They have failed to maintain Class I or II status at the time of petition or between the time of their hearing and release to the transitional housing facility.
2. They have served less than 6 months in the Department of Correction. Time served in the county jail shall not be counted toward program eligibility.
3. They have been convicted of any of the following:
    a. Any homicide, §§ 5-10-101 – 5-10-105
    b. Battery in the first degree, § 5-13-201
    c. Domestic battering in the first degree, § 5-26-303
    d. Kidnapping, § 5-11-102
    e. Aggravated robbery, § 5-12-103

f. Causing a catastrophe, § 5-38-202(a)
g. Engaging in a continuing criminal enterprise, § 5-64-405
h. Simultaneous possession of drugs and firearms, § 5-74-106

4. They have been convicted of any offense requiring registration under § 12-12-903 (Sex Offender Registration Act of 1997).
5. They have been convicted of any offense determined by the Board to, by its nature or definition, involves violence, the threat of violence, the potential threat of violence, or the disregard for the safety of the lives of others.
6. They have received a disciplinary or conviction (§§ 5-54-110 – 5-54-112) for behavior related to an escape, or an attempted escape, from the ADC, DCC, or a law enforcement agency.

Eligible offenders shall submit a written petition the Board for consideration under this program through their unit Institutional Release Officer. Once a petition has been received and the offender's eligibility has been determined, the offender shall be scheduled for an Act 679 hearing before the Board. Hearings scheduled under this program shall follow the distribution of all applicable notices under § 16-93-615 and all applicable policies established by the Board pertaining to a parole/transfer hearing (to include the right to appeal a denial of eligibility or release) and by the Department of Community Correction (DCC) pertaining to parole plan approval.

Inmates released under this program shall be supervised by officers of the DCC under the guidelines of the Act 679 Conditions of Release established by the Board (see Board Manual Attachments). The conditions must be based on a reasoned, rational plan developed in conjunction with validated risk-needs assessment and include at minimum a curfew requiring an offender placed in a transitional housing facility under this program to present themselves at a scheduled time to be confined in the transitional housing facility.

An offender who without permission leaves the custody of the transitional housing facility in which he or she is placed may be subject to criminal prosecution for escape, §§ 5-54-110 – 5-54-112. Facilities receiving an offender released under this program shall be provided with information by DCC on reporting an offender who without permission leaves the custody of the facility prior to their eligibility date.

Revocation of placement in transitional housing must follow the revocation proceedings established in § 16-93-705.

Supervision of Parolees

Supervision of parolees is done on behalf of the Board, by the Department of Community Correction. In consultation with the Board, DCC is authorized to establish written policies and procedures for the supervision of parolees. The supervision of parolees shall be based on evidenced-based practices including a validated risk/needs assessment. Decisions shall target the parolee's criminal risk factors with appropriate supervision and treatment designed to reduce the likelihood to reoffend. Further guidance for parole supervision can be found in Arkansas Code Ann. §16-93-712

Every parolee, while on release, shall be subject to the orders of the Board. Failure to abide by any of the conditions as instructed may result in revocation of his/her conditional release.

Every inmate receives a written copy of his/her supervision conditions from the Parole/Probation Officer and signs that they understand their release conditions. A Parole/Probation Officer may request that a supervision condition be amended or removed entirely. All requests for the amending or removal of a condition must be made in writing to the Board. Any request for exemption of a special condition must be approved by the Board.

At any time during a parolee's conditional release, the Board may issue a warrant for the arrest of the parolee for violation of any conditions of release or may issue a notice to appear to answer a charge of a violation. The Board will not issue a notice to appear without an accompanying warrant. The warrant and notice shall be served personally upon the parolee. The warrant shall authorize all officers named therein to place the parolee in custody at any suitable detention facility pending a hearing.

Any Department of Community Correction officer may arrest a parolee without a warrant or may deputize any officer with power of arrest to do so by giving the officer a written statement (or white warrant) setting forth that the parolee, in the judgment of the Department of Community Correction officer, violated conditions of the parolee's release. The written statement (or white warrant) delivered with the parolee by the arresting officer to the official in charge of the detention facility to which the parolee is brought shall be sufficient warrant for detaining the parolee pending disposition.

Appeal of Board Decision

An inmate or his/her attorney may request reconsideration of any parole decision of the Board within sixty days of the release of the vote. Written requests for reconsideration shall be submitted to the Board. Only one reconsideration request will generally be considered by the Board for a particular Board action.

RELEASE REVOCATION

Designee for Conducting Hearings

The Board's designee for conducting release revocation hearings is the Hearing Examiner.

Warrant and Criteria for Arrest of Parolee

When a parolee has committed a violation that results in a violation report, a warrant is issued when the parolee's presence in the community, pending disposition of a Revocation Hearing, would present unreasonable risks to public or individual safety or when it is very likely that the parolee will abscond. Supervision officers should request warrants only when these criteria are met. The Board will review violation reports and issue warrants only when the criteria are met. Sufficient evidence should exist before issuing a detention warrant. However, the evidence does not need to rise to the same standard of probable cause required for arrest and criminal charges. This does not prohibit the supervision officer from arresting the parolee with a "white warrant" for detaining the parolee while waiting for a Board warrant.

Hearing Waiver for Technical Violator Program (TVP) Participation

When an offender has committed a serious technical violation or repeated pattern of minor violations, and the parolee meets eligibility requirements for the Technical Violator Program

(TVP), the Board authorizes a supervision officer to prepare a violation report, give notice to the parolee and transport the parolee to the TVP if the parolee voluntarily signs a hearing waiver.

New Felony Charges

When a new felony is committed and the parolee is not held on a Board-issued warrant, the Hearing Examiner may choose to hold or postpone the Revocation Hearing. If the Revocation Hearing is postponed, the Hearing Examiner can choose to conduct a hearing later, such as when new violations occur. If postponed and the court sentences the parolee to time at the ADC, the Board processes an administrative revocation (no hearing).

When a parolee receives a new felony conviction and is sentenced to prison, his/her release may be revoked without a hearing. Written notice of this action will be forwarded to the parolee with a copy to the state file. If the parolee's conviction is set aside on appeal or otherwise nullified, his/her release will be reinstated, unless the Board or its designee has previously found there to be a preponderance of the evidence, after a hearing, that the parolee inexcusably violated one or more conditions of release. This finding justifies revocation notwithstanding the lack of a conviction for a criminal offense.

Possible Outcomes of the Revocation Hearing

If a parolee is found to have violated a condition(s) of their release, the Hearing Examiner may still return the parolee to supervision, impose additional conditions of release or revoke his/her release and specify whether the violator should be sent to the TVP (when eligible) or the ADC.

The Hearing Examiner should consider the range of alternatives for sanctions and/or treatment. The following alternatives are generally actions that are considered and/or used by the supervision officer for minor violations, before resorting to a violation report. However, the following alternatives may be used in lieu of revocation: increased supervision level, referral to a counseling program or service, referral to a resource agency or program appropriate to the offense, the loss of meritorious good time accrual status (good time earned while in parole status to reduce the time required to be under active supervision), a letter of reprimand, verbal warning, electronic monitoring, or curfews. The Hearing Examiner may confer with the supervision officer to determine the best course of action. An offender should only be returned to prison after considering less severe sanctions and treatment programs, and when it is determined to be in the clear interest of the public.

Actions When Revoked

If then offender's supervision is revoked, the Hearing Examiner will complete appropriate sections of the "ADC Disposition of Revocation Hearing" form for Boot Camp program parolees or the "Arkansas Parole Board Disposition of Parole Revocation Hearing" forms for all other parolees. The Hearing Examiner will enter the month when the parolee is to be scheduled to appear before the Board using the criteria in the following section. This month is entered even when the parolee is sent to the TVP because the parolee may subsequently be transferred to ADC for disciplinary reasons in which case the date would apply.

Determining the Release Hearing Date

On the disposition of revocation hearing form, the Hearing Examiner will indicate the month the parolee will be scheduled for a release hearing. The Hearing Examiner may revoke an offender's release for up to one year.

Preliminary Hearing Requirement (Interstate Compact Parolee)

When the sending state has issued a warrant, a preliminary hearing must be held within 14 days from the time the warrant was served with one exception. The exception is made if the parolee has admitted to one or more significant violations of supervision conditions.

The Hearing Examiner must forward any evidence or record generated during a probable cause hearing through the DCC Interstate Compact Office to the sending state.

When a preliminary hearing for an Interstate Compact Parolee is required, Hearing Examiners usually schedule and conduct a revocation hearing within the allowable 14-day time period, thereby making it unnecessary to conduct a preliminary hearing. When a parolee is incarcerated and there is a white warrant and/or Board-issued warrant, a preliminary hearing must be held within 14 days from the date the warrant was served unless one of the following conditions applies:

1. The parolee voluntarily, knowingly and intelligently waives his/her right to a hearing after being informed of rights pertaining to the hearing and the consequences of waiving the hearing, or
2. The violation report is substantiated by a court conviction or a court finding of probable cause on new criminal charges, or
3. A revocation hearing was held, or
4. The Hearing Examiner has determined there is good cause for delay or postponement of the hearing and this is documented; for example, the parolee or his/her attorney may request postponement of the hearing.

A preliminary hearing follows the same procedures as a revocation hearing with the following exceptions:

1. The result of the preliminary hearing is not a finding of guilt, but a finding that there is probable cause to hold a revocation hearing. A finding of probable cause justifies a longer period of incarceration pending a revocation hearing.
2. Extenuating and mitigating factors do not need to be considered at a preliminary hearing because the finding is one of probable cause. Extenuating and mitigating factors can instead be discovered in a revocation hearing.

Release Revocation Process

At a revocation hearing, the Hearing Examiner must seek and consider evidence that supports or counters the violation charges as well as any extenuating or mitigating circumstances that suggest that the violation does or does not warrant revocation of the parolee's supervision.

Hearing Examiners must allow the parolee and their attorney, when present, to exercise the right to:

1. Present evidence and favorable witnesses;
2. Seek disclosure of evidence;
3. Confront adverse witness(es), unless the witness(es) would be subjected thereby to a risk of harm;
4. Have counsel of choice present or, in the case of indigent parolees who request assistance to adequately present their case, have counsel appointed; however, the Hearing Examiner may determine that the situation does not justify the expense of a lawyer; and
5. Request postponement of the hearing for good cause.

The Supervising Officer will:

1. Request a warrant when an arrest is considered necessary;
2. Arrest and jail a parolee only when criteria are met;
3. Advise parolee of hearing related rights to include the rights Hearing Examiners must allow as described in the previous paragraph ;
4. Give the parolee notice of the violation;
5. Offer the parolee an opportunity to sign a hearing waiver when TVP-eligible;
6. Give scheduled parolees 72 or more hours notice of scheduled hearing;
7. Transport jailed parolees to scheduled hearings;
8. Be present at hearings to provide supplemental information and security;
9. Use criteria to set the release hearing month for parolees sent to the TVP (this date is for a release hearing if the revoked parolee is subsequently transferred from the TVP to ADC);
10. Transport parolees to the TVP or arrange transportation to ADC as appropriate; and
11. Process any additional supervision conditions.

The Parole/Probation Area Manager (or designee) will notify the Board of parolees who require a hearing by providing a prioritized list so that the Board may schedule hearings.

To ensure compliance with ACA standards, the Board will hold hearings within 14 days for detained parolees and within 60 days for parolees who are not detained.

The Hearing Examiner will:

1. Hold a preliminary revocation hearing as described above when required. A revocation hearing may be held in lieu of a preliminary hearing with the exception of Interstate Compact cases.
2. Hold a revocation hearing within 60 days from the date of the violation report when a preliminary hearing has been held or is not required, unless the parolee has signed a hearing waiver (or requested a postponement of the hearing).
3. Conduct a hearing where the parolee resides or near the community where the violation is alleged to have occurred or where the parolee has been taken into custody; the Hearing Examiner may be at a remote location using a telephone or video conference system.
4. Complete the hearing results and give 3 signed copies of the hearing report to the supervising officer. This hearing report will include a statement of the reasons for the determination made and the evidence relied upon to include a summary of documents presented and responses made at the preliminary / regular hearing.

The Supervising Officer will:

1. Provide one copy of the hearing report to the parolee after appropriate restraints are in place (if the decision is to not revoke the parolee, restraints would not be necessary since the parolee would be released to community supervision). If not received the day of the hearing, a parolee who has been revoked will receive their copy within 21 calendar days of the hearing.
2. Keep one copy for their records;
3. Provide the other copy to the receiving facility (TVP or ADC).

Appeal of Hearing Examiner's Revocation Decision

A parole violator may appeal the Hearing Examiner's decision by submitting a written appeal to the Board. Filing of an appeal will not preclude sending the release violator to the TVP or ADC. However, a Hearing Examiner may choose to suspend sending the violator to the TVP or ADC when the Hearing Examiner is aware of an appeal or intent to appeal, and if the violator has not yet been taken to the TVP or ADC.

An appeal of release revocation or the placement of additional conditions is made in the following manner:

1. The appeal must be made in writing by the parolee or his/her attorney to the Board within thirty (30) days from the date of the revocation hearing disposition unless the time period or other requirements are waived by the Board.

2. In the written appeal, the parolee or his/her attorney may request a general review of the decision to revoke and ask that the decision be reversed. The parolee or his/her attorney should state in the appeal specific reasons for the belief that the decision should be reversed.

3. The appeal shall be presented to the Board as soon as practicable after it is received. The report of the designee containing a summary of the evidence presented at the revocation hearing, the decision of the designee, and the reasons for the decisions shall also be presented to the Board.

Upon the consideration of the appeal, the Board shall vote:

1. to affirm the decision of the Hearing Examiner;
2. to reverse the decision of the Hearing Examiner, or
3. to schedule an appearance by the parolee before the Board for further consideration.

If the parolee is scheduled to appear before the Board, he/she will be afforded the same rights he/she was afforded at the revocation hearing.

EXECUTIVE CLEMENCY

Overview and Terminology

Clemency means kindness, mercy, forgiveness and leniency. Executive Clemency is sometimes referred to in this section as "clemency."

Executive Clemency is the process through which the Governor considers requests for granting reprieves, commutations of sentence and pardons after conviction and considers requests to remit (forgive) fines and forfeitures.

A reprieve is a temporary relief from or postponement of execution or criminal punishment or sentence. A reprieve is merely a stay (delay) of the execution of the sentence for a certain time period which is typically given to allow an offender an opportunity to reach an agreement on a change to the imposed sentence.

A respite is a temporary suspension of the execution of a sentence.

Commutation means a permanent change of sentence or punishment such as changing a death sentence to a life sentence without parole. Commutations are usually requested by incarcerated persons. Incarcerated persons submit requests through the IRO.

A pardon request asks that a criminal record be removed from the public record. A pardon is usually requested by a person who is no longer incarcerated. Persons who are not incarcerated submit applications directly to the DCC IRS office in Pine Bluff where background information is gathered.

All requests are then forwarded to the Board for investigation. After the investigation, the Board provides a report and recommendation to the Governor. Important guidance about the executive clemency process can be found in the following sections, in attachment 1, on the application form, and in supplemental guidance published in a governor's memo.

Authority for Executive Clemency

The Arkansas Constitution, Article 6, Section 18, gives the Governor pardoning power as follows:

"In all criminal and penal cases, except in those of treason and impeachment, the Governor shall have power to grant reprieves, commutations of sentence and pardons after conviction; and to remit fines and forfeitures under such rules and regulations as shall be prescribed by law. In cases of treason he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the adjournment of the next regular session of the General Assembly. He shall communicate to the General Assembly at every regular session each case of reprieve, commutation or pardon, with his reasons therefore, stating the name and crime of the convict, the sentence, its date and the date of the commutation, pardon or reprieve."

Eligibility and Application for Executive Clemency

The eligibility criteria for the various forms of executive clemency are listed on the applications. A person who is incarcerated may request an application form from IRO unless the applicant has a pending clemency request. The incarcerated person must return the completed application to the IRO. Once an application is submitted for screening and/or consideration, the process cannot be interrupted.

For persons who are not currently incarcerated, an application form can be obtained from, and completed applications sent to, the Arkansas Department of Community Correction, Institutional Release Services; 2801 South Olive, Suite 6-D, Pine Bluff, Arkansas 71601.

Applications for commutations and pardons may also be obtained from the Board's office during normal business hours or from their website. Applications obtained from the Board must still be sent to DCC IRS for processing.

Inmates serving a death penalty must file an application for executive clemency as described in the application form. Further information on the application process can be found on pages 19 of this manual.

An application for executive clemency must set forth the grounds upon which the pardon or commutation is sought. Following are examples of grounds upon which an application may be filed: (1) to correct an injustice which may have occurred during the person's trial; (2) life threatening medical condition (also see Ark. Code Ann. §12-29-404) (3) to reduce an excessive sentence; or (4) the person's institutional adjustment has been exemplary, and the ends of justice have been achieved.

Any person who files for clemency and is denied by the Governor shall not be eligible to reapply for a period of four (4) years from the date of application. If the applicant is serving a life sentence without parole for a crime other than Capital Murder, they will not be eligible to reapply for six (6) years from the date of denial. If an applicant is serving a sentence of life without parole for a conviction of Capital Murder, they will not be eligible to reapply for eight (8) years from the date of denial. However, a person who is denied by the Governor, can petition the Board for a waiver of the waiting period.

Date and Place of Filing

An application for executive clemency will be considered as having been filed when it is received by DCC IRS. The address is on the application form.

Required Notice of a Clemency Request and Request for Comment

In addition to any other requirements, the Executive Clemency Coordinator will solicit the written or oral recommendations from the sentencing court the prosecuting attorney, and the sheriff of the county from which the person was committed.

If the inmate is serving a sentence for capital murder (Ark. Code Ann. §5-10-101 and 5-4-607(a)(1)) or a Class Y, Class A, or Class B felony, copies of the application will be filed with the Secretary of State, the Attorney General, the Sheriff of the county in which the offense was committed, the Prosecuting Attorney of the judicial district in which the applicant was found guilty and sentenced and the Circuit Judge who presided over the proceedings at which the applicant was found guilty and sentenced or his/her successor.

If the inmate is serving a sentence for capital murder (Ark. Code Ann. §5-10-101), the application will also be published by the Executive Clemency Coordinator by placing two insertions, separated by a minimum of seven (7) days, in a newspaper of general circulation in the county in which the applicant committed the offense.

For crimes described in this section, the Executive Clemency Coordinator will send notification of the person's application to the victim(s) (or the victim(s)' next-of-kin), at their last known address(es), when the victim/next-of-kin has registered to receive such notices. The notice will solicit a written or oral recommendation.

The Executive Clemency Coordinator will use eOMIS to ask the Parole/Probation Officer to prepare a field report. As part of a field report, the officer contacts the prosecuting attorney and asks whether there are any victims or next-of-kin who have requested notification (and checks eOMIS for this information). If there are, the officer sends them notification of the clemency application and informs the Executive Clemency Coordinator of this action. When the suspense date for comments has passed, the Executive Clemency Coordinator assembles a file and sends it to the Board for consideration.

Board Investigation, Review, and Report

At least four Board members will individually review each clemency file. Board members will vote to recommend that clemency be granted, denied, or to schedule the person for a hearing before the Board (a hearing is required for death sentence cases, see above details). If any Board member requests a hearing, a hearing will be scheduled. Board members may request supplemental information or take other reasonable actions to ensure a complete investigation prior to making a decision. The file is then returned to the DCC IRS, Executive Clemency Coordinator.

If a hearing is granted, the Executive Clemency Coordinator will notify the victim(s) of the crime, or the victim's' next-of-kin, and will ask the IRO to schedule a hearing at least 30 days from the time notice of the hearing was given to the victims(s) of the crime, or the victim's' next-of-kin.

Hearing Process

An applicant for executive clemency who appears before the Board may be accompanied by supporters, including his/her attorney. If the person is not incarcerated in this state, his/her appearance before the Board is not necessary. The Board shall consider the statements of the applicant and a spokesperson, the applicant's file, reports from law enforcement, a pre-sentence report and any documentary evidence presented by the applicant or other interested persons, including the victims(s) of the crime, or the victim's' next-of-kin. On the basis of this information, the Board will vote (1) to recommend that clemency be granted, or (2) to recommend that clemency be denied. If the Board recommends that clemency be granted, it may specify the nature and terms of the commutation being recommended. There are some differences in this process for inmates sentenced to death, as described in the "Supplemental Guidance Pertaining to Death Sentence Cases" paragraph.

Supplemental Guidance Pertaining to Death Sentence Cases

In death sentence cases, executive clemency requests must be in the time period described on the application form. When the Governor sets an execution date, the Institutional Release office will cause to be sent to the inmate and the inmate's attorney of record certified letters informing them that an application for executive clemency must be filed no later than 40 days prior to the scheduled execution date. Executive clemency requests filed late will not be considered. The last date on which an application for executive clemency will be accepted will be specified in the letters. This date will be determined by counting back 40 days from the scheduled date of execution, with the day preceding the scheduled date of execution being counted as day 1. If the 40th day is a Saturday, Sunday, or holiday, an application filed on the next business day will be accepted.

At least 30 days prior to the execution date, the Board, with a quorum of members present, must conduct a hearing with the inmate who has submitted an executive clemency request.

Additional instructions are at attachment 1. In clemency death sentence cases, a hearing is mandatory.

After the Board Review/Hearing

The Board shall submit to the Governor its recommendation, a report of the investigation, and all other information the Board may have regarding the applicant (Ark Code Ann. §16-93-204). All applications for executive clemency considered by the Board, with the non-binding recommendation will be forwarded to the Governor for final action.

Clemency Appeals

There is no appeal of the Board's recommendation. There is no appeal of the Governor's decision. When the situation merits a new clemency application may be submitted, subject to the statutory timeframes listed on page 17 of this manual.

BOARD MANAGEMENT AND ADMINISTRATION

Committees of the Board

In order to further its oversight of agency operations, the Board shall establish certain committees comprised of members of the Board which shall monitor operational areas and/or address certain issues. Members of the Board's support staff may be invited to provide information at the request of a committee. However, only members of the Board shall have the ability to vote in a committee meeting.

Committees of the Board shall be designated as either "Standing" or "Special." The formation, scope, and membership of Standing Committees are established by the provisions of this Manual and may only be altered following the policy revision process outlined in the "Policy Manual Availability and Review" section of this Manual. The Board Chair may refer issues to a Standing Committee not specially listed in its mission and/or scope but which are related to its subject matter. Appointments to Standing Committees shall occur during the same February meeting as the election of Vice-Chair and Secretary. Special Committees may be established at the discretion of the Board Chairman or upon request of four (4) members of the Board. The scope, duration, and membership of Special Committees shall be limited by the discretion of the Board Chair or by (4) members of the Board.

The following are Standing Committees of the Board:

> Fiscal Committee – This committee is responsible for monitoring the fiscal activities of the Board and ensuring that appropriate fiscal controls are in place. It is also responsible for making policy recommendations to the Full Board regarding budget, procurement, inventory control, and other related functions. Three (3) working days prior to a Full Board Meeting, the Fiscal Support Supervisor, or another designated employee, shall file with the Board Chair and Fiscal Committee Chair a report detailing the previous month's expenditures. That same report shall be presented at the upcoming Full Board Meeting. The report shall contain expenditures by General Ledger Code and provide the remaining fund balance(s) at the end of the reporting period. Membership of the Fiscal Committee shall consist of no less than (3) three Board members but no more than four (4) Board members appointed by the Board Chair. One of the members must be the

Board's Vice-Chair who shall Chair the Fiscal Committee.

Personnel Committee – This committee is responsible for establishing and recommending changes to agency personnel policies to include but not limited to changes in the Board's Employee Manual and applicable Administrative Directives. The Personnel Committee Chair is responsible to for coordinating an annual review of the Employee Manual and reporting the findings of that review to the Full Board. In consultation with the Board Chair, this committee is responsible for reviewing applicants for vacant positions within the agency and making hiring/promotion recommendations to the Full Board. At least one (1) member of this committee shall sit on all applicant interview panels. Membership of the Personnel Committee shall consist of no less than (3) three Board members but no more than four (4) Board members appointed by the Board Chair. One of the members must be the Board's Secretary who shall Chair the Personnel Committee.

The Fiscal Committee is required to meet at least monthly and be prepared to report during Full Board meetings or upon request. All other committees shall meet at the call of the Committee Chair, Board Chair, or upon the referral of an issue from the Full Board. Committee Chairs are required to provide adequate notice to the Administrative Services Manager of their committee's meeting schedule to allow for the required public notification. Committee Chairs are also responsible for filing a written summary of their meetings with the Administrative Services Manager. No committee action shall be considered final until it has been ratified by the Full Board. The only exceptions to this requirement are instances where the Full Board gives advance consent for a committee to take final action on an issue.

The Board Chair shall serve as an ex-officio member on all committees.

Policy Manual Availability and Review

The Board Chairperson will ask the ADC and DCC to make this policy manual readily available to inmates, residents and parolees. The Board Chairperson will also ensure the policy is available to staff and the public. The Board Chairperson will initiate an annual review by all Board members of the Board's policies and will ensure that revisions and updates are undertaken when necessary. The Board's designee for maintaining this policy manual is the Administrative Services Manager.

Revisions to this policy manual must receive a favorable vote by a majority of the Board. Revisions shall not take immediate affect until they have been through the promulgation process outlined in the Administrative Procedure's Act unless an emergency has been declared by a majority of the Board.

Access to Persons and Records

All ADC and DCC officials have a legal duty to grant to Board members and properly accredited Board representatives, access at all reasonable times to any person over whom the Board has jurisdiction, to provide facilities for communicating with and observing such persons, to furnish the Board such reports as the Board shall require concerning the conduct and character of any person in the custody of the ADC or DCC, and to provide any information deemed pertinent by the Board in determining whether a person shall be released.

Legal Assistance

Board members may seek legal advice from the DCC Staff Attorney or an assigned attorney at the State Attorney General's Office. The State Attorney General will represent the Board when required.

Inspection of Records

The Board staff will not release information to inmates or the public unless authorized in this manual or in writing by the Board Chairperson. All requests for information should be forwarded to the Department of Community Correction Public Information Office.

Parole and Executive Clemency Files – Pursuant to the provisions of Ark. Code Ann. §16-93-202, the following portions of Parole and Clemency files will be provided by the DCC Public Relations Office for inspection upon request by a person having a proper interest therein and whenever the interests or welfare of the person involved make inspection desirable or helpful: 153 forms, Executive Clemency (commutation & pardon) applications, and vote worksheets. The Public Relations Office may release other information unless restricted by law. The Board Chairperson or Public Relations Office may release information to researchers and others involved in monitoring or studying the criminal justice system unless restricted by law.

Expunging Records (Act 378 Participants)

A person sentenced to the Department of Correction under Act 378 of 1975, as amended (Ark Code Ann. §16-93-501 *et seq.*), shall receive an expungement of his/her records by the following process:

After the person discharges the entire sentence imposed by the Court, a report will be submitted by the ADC to the Board Chairperson. After reviewing the information, the Chairperson shall approve an expungement, if required by law.

Upon approval, the Chairperson, or their designee, shall complete a Certificate of Expungement, which shall be forwarded to the person by the ADC staff.

The ADC staff will notify all pertinent law enforcement agencies and the Circuit Clerk's office(s) that the person's record has been expunged. The record will then be sealed and sequestered, to be made available only to law enforcement or judicial officials.

Participation of Parolee in Law Enforcement Undercover Operations

The Board will not authorize a parolee to participate in any Law Enforcement Undercover Operation. However, the DCC Director may authorize parolee participation in undercover investigations in a manner consistent with DCC policy.

Additional Information about Related Activities Accomplished by Other Agencies

In addition to related tasks described elsewhere in this manual, other agencies accomplish the following tasks in support of the Board's mission.

The agency to which an offender is committed (ADC or DCC) will promptly inform every registered victim and next-of-kin of the offender's estimated date of release from incarceration, as well as each of the following events:

- An escape from a correctional facility or community program;
- A recapture;
- A decision of the Governor to commute the sentence or to pardon;
- A release from incarceration and any conditions attached to the release; and
- The offender's death

Facilities and Equipment

The Chairperson will ensure staff has adequate equipment and space with appropriate privacy as necessary for the effective and efficient processing of business.

Planning, Goals, Objectives, and Program Coordination

The Chairperson must accomplish the following:

1. Participate in Board of Corrections meetings to facilitate planning.
2. Meet at least annually with the ADC and DCC Directors, and as necessary with the Sentencing Commission to coordinate programs and facilitate joint State-wide planning.
3. Meet at least semiannually with the director(s) of institutions from which parole is granted.
4. Ensure the Board has written long-range goals and related objectives and that these are reviewed, updated as needed, and evaluated for progress.
5. Maintain regular liaison with appropriate legislative committees, during at least each regular session of the legislature, for the purposes of offering advice and opinions on appropriate legislative matters.

The Chairperson or designee will meet at least annually with the administrative staff of the parole investigation and supervision agency to ensure a means exists for coordinating efforts, to undertake joint planning, and to agree on means of implementing and evaluating such plans. The Chairperson a or designee will meet at least annually with representatives of relevant criminal justice agencies, police, prosecution and courts to develop a means of coordinating programs, to undertake joint planning and to agree on means of implementing and evaluating such plans.

Each Board member will visit one or more institutions and a representative sample of community facilities at least annually, specifically for the purpose of meeting with staff and inmates/residents to exchange information about programs, institutional operations, and parole policies and procedures. The Chairperson, as the chief administrative officer of the Board, is exempted from this requirement. Minutes or notes from such visits must be provided to the Accreditation Coordinator.

Board members and Hearing Examiners must initiate ongoing interaction with the Parole/Probation Services staff through such means as conferences, seminars, training sessions, and visits to field offices.

Financial Processes and Controls

The Board must have a budget system which links continuing basis agency functions and activities to the costs necessary for their support. There must be a clearly defined budget which provides for personnel, operating, and travel costs sufficient for the operation of the Board. The Chairperson must ensure the budgetary process includes financial controls and monitoring of expenses. The Chairperson must ensure a detailed budget request is submitted and must participate in the legislative budget allocation process. In preparing the budget, input from Board members and staff must be solicited.

Additional Chairperson Duties

The Chairperson has the following additional administrative responsibilities:

1. Coordinate Board member work schedules and job assignments
2. Chair Board meetings
3. Serve as the official spokesperson, however, he/she may use the DCC Public Information Officer as a media spokesperson as long as the Chairperson ensures that the Public Information Officer fully understands the Board policies and positions on matters of public interest.
4. Organizing, controlling, and tracking the work of the Board's staff.

Personnel & Staffing Guidelines

The Chairperson will from time to time assess the staffing mix to determine it reasonably matches the local population in terms of racial mix, thereby meeting or exceeding the intent of the affirmative action program. When necessary, deficiencies will be documented and an affirmative action plan will be put in place. Pay rates will also be assessed to ensure they compare favorably with comparable positions in the community.

Hearing Examiners must have a minimum of a Juris Doctorate unless there is documented justification of experience that can be reasonably substituted. At least 2/3 of the Hearing Examiners must have at 3 or more years experience in a criminal justice or juvenile justice experience, or equivalent experience in a relevant profession

Data Collection, Research, Analysis, and Reports

The Board will gather data throughout the year from such sources as eOMIS. At least annually the Board will review and analyze the parole decision-making, statistical, and research data.

Consistent with confidentiality requirements, the Chairperson or his/her designee will collaborate with criminal justice and human service agencies on programs of information gathering, exchange, and standardization, including national data collection efforts.

Board and staff members and external research professionals are encouraged to conduct research.

Board members and designated staff will work with researchers in deciding which questions should be addressed, which data should be gathered, and how data should be presented.

The Board Chairperson must review and approve all research study plans before implementation. This review should ensure the privacy interests of offenders and other parties for the cases under study are protected.

The Board Chairperson and others involved in parole decision-making will use statistical and research data among other factors in making decisions and policy development.

The Board and staff will use the eOMIS as a key element in their research and decision-making system.

The Board will collect data for outcome measures by using eOMIS or other means. Outcome measures may be based on ACA recommendations, the uniform parole reporting system, or internally developed data elements. As part of this process, the Chairperson or designated staff members will obtain information from eOMIS at least quarterly.

Custom reports, to display eOMIS data suitable for outcome measures and special studies, may be requested from the DCC Research and Evaluation section.

The Chairperson will ensure results of significant research projects are provided to the appropriate staff and others. Additionally, copies will be made available to the public upon request.

Beginning October 1, 2011, the Board shall submit a monthly report to the Chairs of the House and Senate Judiciary Committees, the Legislative Council, the Board of Corrections, the Governor's Office, and the Commission on Disparity in Sentencing. This report must contain the criteria listed in Ark. Code Ann. §16-93-210.

The Board will also submit an annual report to the Governor and the General Assembly. The report will include the Board's objectives, trends in parole release, discharges and revocations, problems, and plans.

The Board shall cooperate with, and upon request make presentations and provide various reports, to the extent the Board's budget will allow, to the Legislature. The presentations shall consist of a review of Board policy and discretionary offender programs and services.

ATTACHMENTS

Attachment 1	Form 153 – Law Enforcement Response
Attachment 2	Policies and Procedures for Executive Clemency Application by Persons Sentenced to Death
Attachment 3	Conditions of Release
Attachment 4	Act 679 Conditions of Release
Attachment 5	Minimum Length of Stay at Transitional Living Facilities
Attachment 6	Employee Acknowledgement of Board Policy Manual

Attachment 1

FOR EXAMPLE PURPSOES ONLY. AN OFFICIAL FORM WILL BE GENERATED BY DCC INSTITUTIONAL RELEASE SERVICES.

Arkansas Parole Board
Transfer Eligibility (TE) Applicants
Legal Notice – Form 153 (Law Enforcement Response)

Date:_____ Time:_____

To: _____

_____

_____

Re: _____ ADC #: _____ Location: _____

TE Date _____ Board Hearing Date: _____

The Parole Board requests your recommendation on the above-named inmate who is scheduled to be interviewed for Transfer Eligibility.

Our file(s) contain the following information:

County	Docket	Crime	Counts	Sentence Date

Total Sentence Length: _____ Minimum Release Date _____

This individual is scheduled to appear before the Board for consideration of Transfer Eligibility in the near future. The Board is requesting your comments which will be placed in his file and considered when reviewing for Transfer Eligibility. If the Board defers action for one year, an additional recommendation will be requested. **List specific reasons for your support or opposition to this individual's transfer. Attach additional pages if necessary.**

Response: _____

_____

_____

_____

_____

Return form to:
DCC Institutional Release Services
2801 South Olive St, Suite 6-D
Pine Bluff, AR 71601

Signed: _____

Title: _____

Date: _____

Attachment 2

ARKANSAS PAROLE BOARD
POLICIES AND PROCEDURES FOR EXECUTIVE CLEMENCY APPLICATION BY PERSONS SENTENCED TO DEATH

1. Any person sentenced to death may apply for executive clemency (Arkansas Constitution, Article 6, Section 18).

2. An application for executive clemency must be filed no later than 40 days prior to the scheduled execution date.

3. An application for executive clemency will be considered as having been duly filed once it is received at the Arkansas Department of Community Correction, Institutional Release Services; 2801 South Olive, Suite 6-D, Pine Bluff, Arkansas 71601.

4. All exhibits or supporting documentation to be considered by the Board should be attached to the executive clemency application at the time of filing.

5. The application shall set forth the specific reasons or grounds upon which executive clemency is requested. Failure to set forth specific grounds shall be cause for rejection and return of the application.

6. The Board, meeting in regular or special session, will interview the inmate concerning their request for executive clemency at least 30 days prior to the execution date.

7. The applicant's attorney will submit a list of all persons who will appear at the executive clemency hearing on behalf of the inmate to the Board and the Warden of the maximum security unit on the day prior to the hearing. The list must show complete names and relationship to the inmate.

8. The time allocated for all presentations and/or testimony by the inmate, attorney and/or witnesses at the executive clemency hearing will be limited to a total of two hours.

9. No more than four (4) persons (the inmate, attorney, and two others) may present arguments and/or testify to the Board at the executive clemency hearing. The Board will accept written statements by other interested persons.

10. Tape recordings of the executive clemency hearing will not be transcribed, but will be sent directly to the governor with the clemency file and supporting evidence. The inmate is responsible for providing recorders and/or stenographers should a transcript be desired.

11. The Board's decision will be available within 72 hours after the completion of hearings for the inmate and protesters.

12. The Board Chairperson, with the approval of the Board, will make an exception to these policies and procedures in the interest of justice.

Signature on File	**January 28, 2010**
Parole Board Chairperson	**Date**

Attachment 3

Arkansas Parole Board
Conditions of Release

1. **REPORTS.** You must report to your supervising officer the next day after you are released unless that day is a weekend or holiday. In such cases you must report the next day the Parole Office is open. Thereafter, you must report as instructed by your supervising officer. All written and oral statements made by you to your supervising officer must be truthful.

2. **EMPLOYMENT/EDUCATION.** You must maintain approved employment or be enrolled in an approved education program unless otherwise directed. You must obtain permission from your supervising officer before quitting your employment or education program. If you lose your job or are terminated from your education program, you must notify your supervising officer within 48 hours.

3. **RESIDENCE AND TRAVEL.** You must obtain prior approval from you supervising officer to change your place of residence, stay away from your approved residence overnight, or leave your assigned county.

4. **LAWS.** You must obey all federal and state laws, local ordinances and court orders. You are required to pay all court-ordered fines, fees, and/or restitution. You must report any citations or summons to your supervising officer on the next regular workday. You must report in person following your release from an arrest, release from parole hold, and any other contact with law enforcement authorities on the next regular workday.

5. **WEAPONS.** You must not own, possess, use, pawn, sell or have under you control any firearm (or imitation) or other dangerous weapon, or be in the company of any person possessing such weapons. You must not possess any ammunition.

6. **ALCOHOL/CONTROLLED SUBSTANCES.** You will avoid the excessive use of alcohol, or abstain completely if directed, and will stay out of bars, taverns, clubs, and liquor stores. You must not sell, deliver or possess, or use controlled substances except as prescribed by a physician. You will submit yourself to random testing for the use of intoxicants and/or controlled substances.

7. **ASSOCIATION.** You must not associate with convicted felons, persons who are engaged in criminal activity, or other persons with whom your supervising officer instructs you not to associate. (Association with convicted felons at work, in counseling programs, in church, or in other locations and circumstances specifically approved by the Parole Board or your supervising officer is not prohibited).

8. **SUPERVISION FEES.** You must pay a monthly supervision fee unless granted an exemption. Community service work in lieu of supervision fees may be required.

9. **COOPERATION.** You must, at all times, cooperate with your supervising officer and the Parole Board. You must submit yourself to any rehabilitative, medical, or counseling program that the Parole Board or your supervising officer deems appropriate.

10. **SEARCH AND SEIZURE.** You must submit your person, place of residence, and motor vehicles to search and seizure at any time, day or night, with or without a search warrant, by any Department of Community Correction officer.

11. **WAIVER OF EXTRADITION.** Your acceptance of conditional release constitutes an agreement to waive extradition to the State of Arkansas from any jurisdiction in or outside the United States where you may be found, and you also agree that you will not contest any effort by any jurisdiction to return you to the State of Arkansas to answer a charge of violation of any of the conditions of your release.

12. **SPECIAL CONDITIONS.** The Board may set special conditions and the parolee must abide by any special conditions set by the Board, e.g., mental health, alcohol and/or drug abuse treatment program, or community service in lieu of fee exemption.

Attachment 4

Arkansas Parole Board
Act 679 Conditions of Release
(For Offenders Released under Act 679 of 2005)

1. **EMPLOYMENT:** You must maintain approved employment to be housed in the Transitional Living Facility. You must obtain permission from the Transitional Living Facility staff before quitting your employment. Termination from employment will result in removal from the Transitional Living Facility.

2. **RESIDENCE:** You must be physically located at the Transitional Living Facility at all times unless you are at an approved employment site.

3. **LAWS:** You must obey all federal and state laws, local ordinances and court orders. You are required to pay all court ordered fines, fees and restitution. You must report any arrest, citation, or summons to your supervising officer within 48 hours.

4. **WEAPONS:** You must not own, possess, use, pawn, sell, or have under your control any firearm (or imitation) or other dangerous weapon, or be in the company of any person possessing such weapons. You must not possess any ammunition.

5. **ALCOHOL/CONTROLLED SUBSTANCES:** You will avoid the use of alcohol and all controlled substances. You must not sell, deliver, possess, or use controlled substances except as prescribed by a physician. You will submit yourself to random testing.

6. **COOPERATION:** You must, at all times, cooperate with the Transitional Living Facility staff, Arkansas Parole Board, Arkansas Department of Community Correction Staff, and Arkansas Department of Corrections Staff.

7. **SEARCH & SEIZURE:** You must submit your person and/or property to search and seizure at any time, with or without, a search warrant, whenever requested to do so by Department of Community Correction Staff, or Transitional Living Facility Staff.

8. **SPECIAL CONDITIONS:** I agree to abide by the specific rules and conditions promulgated by the Transitional Living Facility to which I am being released. A signed copy of these rules will be attached to this document.

Attachment 5

A Resolution of the Arkansas Parole Board
Regarding Minimum Length of Stay at Transitional Living Facilities
Approved and Adopted on June 14, 2012

WHEREAS, the mission of the Arkansas Parole Board ("the Board" or "Board") is to "promote public safety by the return of offenders into the community through supervised conditional release."

WHEREAS, page 8 of the Arkansas Parole Board Manual (as of May 17, 2012) requires among other things that the Board considers (1) "The nature of the release plan, including the type of community surroundings in the area the person plans to live and work. (2) The results of a validated risk/needs assessment. (3) The offender's susceptibility to drugs or alcohol and (4) The offender's basic good physical and mental health."

WHEREAS, the Board allows offenders to parole out to a licensed Transitional Living Facility.

WHEREAS, Transitional Living Facilities generally provide treatment programs and support services to their residents.

WHEREAS, the Board realizes the value of these treatment programs and support services in the reintegration of offenders in to the community.

WHEREAS, a period of 90 days has been determined, through communication with parole supervision staff and management of Transitional Living Facilities, to be an adequate time period to deliver these treatment programs and support services.

WHEREAS, Arkansas law establishes that every offender, while under parole supervision, shall be subject to the orders of the Board.

NOW THEREFORE BE IT RESOLVED, that the Arkansas Parole Board during its June 14, 2012 Board meeting passed this Resolution in establishment of a mandatory standard requiring offenders to remain at the Transitional Living Facility they are initially released to for a period of no less than 90 days. This requirement shall remain in effect until a written waiver has been received from the Board.

Signature on File	**Not in Attendance at Meeting**	**Signature on File**
John Felts Chairman	Jimmy Wallace Vice-Chairman	Richard Mays, Jr. Secretary
Not in Attendance at Meeting	**Signature on File**	**Signature on File**
Carolyn Robinson Commissioner	Abraham Carpenter, Jr. Commissioner	Joseph Peacock Commissioner
Signature on File		
Richard Brown, Jr. Commissioner		

(52)

Attachment 6

Employee Acknowledgement of Parole Board Policy Manual

Please acknowledge by signing that you have read and understood the Arkansas Parole Board Policy Manual.

All employees or officials of the Arkansas Parole Board are responsible for complying with all pertinent policies. The Fiscal/Human Resources Section will place a signed copy of this form in your personnel file.

This form must be signed and returned within five days of receipt.

Employee Acknowledgement:

PRINT NAME	**SIGNATURE**
SECTION	**DATE**

Supervisor's Confirmation:

PRINT NAME	**SIGNATURE**
SECTION	**DATE**

NEWS

ARTICLES

Copyright 2013 Little Rock Newspapers, Inc.
Arkansas Democrat-Gazette (Little Rock)

June 17, 2013 Monday

SECTION: FRONT SECTION

LENGTH: 2067 words

HEADLINE: Murder suspect had 10 felonies pending
Parole absconder's case shows system's failures, say LR mayor, senator

BYLINE: SPENCER WILLEMS ARKANSAS DEMOCRAT-GAZETTE

BODY:

After 4 1/2 years of parole violations and at least 10 felony charges, a murder charge triggered a hearing that will send Darrell Dennis back to prison.

Dennis, a repeat felon and parole absconder, is accused of kidnapping, robbing and killing a Fayetteville teen and dumping his body on a Little Rock street corner within 32 hours after Dennis' May 8 release from jail, where he had been held on a parole absconding warrant.

Dennis, 47, will be returned to prison after his parole was revoked during a June 5 hearing. He remains in the Pulaski County jail awaiting transfer back to Department of Correction custody.

By state law, any parolee arrested in connection with a violent offense, including a sex crime, must have a revocation hearing. And, officials say, the slew of criminal and parole violations that have resulted in eight absconder warrants being issued for Dennis since he left prison on parole in 2008 should have triggered a hearing before the May 10 killing of Forrest Abrams.

Dennis was arrested in Abrams' slaying 12 days after the 18-year-old's body was found in the roadway at West 11th and South Woodrow streets. Two other suspects remain at large, police said.

Since Dennis' release from prison, he has exhibited a pattern of noncompliance, evasion and criminal behavior that resulted in 14 arrests and 21 new charges, excluding parole violations, according to state records obtained by the Arkansas Democrat-Gazette. The charges included at least 10 felonies.

"Looking at [Dennis' records], this guy has an armload of prior criminal convictions before 2008," said Little Rock Mayor Mark Stodola. "A guy with this many violations, eight absconder warrants, you would think people in the parole system would be asking for a revocation of parole." Under the state Department of Community Correction's "accountability interventions matrix," Dennis' absconder violations would trigger a revocation hearing and likely lead to his recommended commitment to an Arkansas Department of Correction technical violators center, a middle ground between jail and prison.

But that didn't happen.

State Sen. David Sanders, who, like Stodola, has been critical of the Department of Community Correction in the past, said the state agency dropped the ball with Dennis. Sanders said he doesn't understand why parole officials did not revoke Dennis' parole after the series of arrests and violations.

"Law enforcement and parole officers, prosecutors, all of them should have concern that the Department of Community Correction doesn't always follow its own policies," said Sanders, R-Little Rock. "From what I know about this case, it seems to be what happened here. ... I think it's the expectation of, certainly, lawmakers, the executive branch and the taxpayers ... that a state agency would follow its own policies." In March 2010, Dennis' name was added to the Parole Board's list for a parole-revocation hearing to be held in August 2010. But he didn't show up. An absconder warrant was issued for his arrest, and in November 2010, his name was put back on the revocation hearing list, but he never had a hearing.

When asked why Dennis was never returned to prison for his parole violations or why Dennis was released from the Pulaski County jail on May 8 after his May 1 arrest for absconding, Department of Community Correction spokesman Rhonda Sharp said she couldn't comment on a specific case. She did say there are a range of legal sanctions and disciplines for a variety of violations.

Stodola and Sanders said they weren't sure why parole officials authorized Dennis' release from jail on May 8.

According to e-mails obtained by the Arkansas Democrat-Gazette through the state Freedom of Information Act, some Department of Community Correction administrators, including Director David Eberhard, wondered the same thing.

In the department's e-mails received under the information request, Dennis' name didn't come up until May 24, two days after his arrest in Abrams' killing and the same day that the Democrat-Gazette identified Dennis as a parolee with an extensive history of breaking the terms of his release.

In an 8:09 a.m. message sent by the state's deputy director of probation and parole to several other Department of Community Correction officials, including Eberhard, Dan Roberts wrote: "Why was [Dennis] not revoked to [Arkansas Department of Correction]? I see where he was set for [revocation] hearings but never had any?" Hours later, Eberhard e-mailed Roberts asking why parole officials allowed Dennis to be released from jail on May 8. He had been in the lockup for seven days on holds requested by parole officials.

"Did we release our hold on this guy on May 8 or did the jail decide to release him?" Eberhard wrote. "If we did release our hold, why did we do so? It appears as if he was going to [a technical violators center]." Roberts told Eberhard that Dennis was set to go to a technical violators center but that the jail doesn't hold people waiting to go to such centers. According to jail records, Department of Community Correction Assistant Area Manager Shawanna Willis faxed the Pulaski County jail a letter authorizing his release. Parole records show that Dennis was released from jail May 8 and that parole officials wanted him to receive electronic monitoring until he was taken to a technical violators center. He was told that he faced a commitment to the violators center and that he needed to report to a parole officer within 24 hours of his release.

But there is no record that he reported. Two weeks later, the day he was arrested in Abrams' killing, Department of Community Correction officials issued yet another absconding warrant, his eighth.

Dennis' public defender declined to comment.

In his State of the City speech near the end of March, Stodola criticized the Department of Community Correction, noting that half of the 96 people arrested for burglary in the latter half of 2012 were supposed to be monitored by parole or probation officers but weren't.

That criticism prompted Eberhard to state in an April presentation that between October 2011 and September 2012, parolees convicted of felonies dropped statewide from 2,498 to 1,709. The number of parole revocations also dropped from 4,851 to 3,356.

Eberhard did not respond to several requests for an interview for this article over the past few weeks.

Stodola said Dennis' history of parole violations, in light of his criminal record, were obvious red flags that went unnoticed by the state.

"This is a prime example of a guy that clearly should have been back in the penitentiary. Why he was out, why there was no revocation, and there were two [recent parole] holds dropped on this thing, that's just ridiculous," Stodola said. "Right now [Dennis' case] appears to be the norm. It's a state issue, and it affects the citizens of this city and they deserve better, quite frankly." Dennis appeared in Little Rock district court several times in 1984 and 1985 facing charges of theft, and breaking or entering, as well as drug and kidnapping charges, leading to a conviction that put him in prison for a little more than three years. He was released in June 1989.

Within months, he was returned to prison for violating his parole conditions and was later convicted of aggravated robbery and theft of property, receiving concurrent 60-year and 20-year sentences, according to court records. He was paroled in November 2008.

The first sign of trouble after his 2008 parole came that December when he failed to report for a mandated meeting with a parole officer. When he did report on Dec. 29, he claimed to be drug-free but tested positive for "heroin/opiates" that same day, according to records. He then missed his next parole-officer meeting a week later.

In total, Dennis failed to report to his parole officer at least 14 times, according to documents reviewed by the Democrat-Gazette, earning him several stays at the county jail, some as short as a few hours.

Dennis was arrested April 3 of this year on charges of obstructing governmental operations and possessing instruments of crime. After that arrest, parole and probation officer Arzo Johnson wrote: "This is Dennis' 6th Abscond since being released from prison," the documents said. "This offender will not report and need[s] to attend a Parole Hearing. In the past he has filed for [mental evaluations] just to get out of jail. This offender will not report." Johnson's report went unheeded.

"It was clear that there were some in DCC who had major concerns about Mr. Dennis," Sanders said. "Had their concerns been acted on, I'm not sure that we would be facing a situation today, the death of a young man." Beyond failing to report to a parole officer, Dennis failed at least five drug tests, testing positive for marijuana or cocaine or both since the beginning of 2009, according to his parole records.

He was arrested after a Little Rock drug raid at his 5615 W. 13th St. residence on April 14, 2009, according to court records. Police reported finding crack cocaine, opiates, drug paraphernalia and two handguns, one of which was defaced, as well as $5,620 in cash. He was charged with seven crimes, six of them felonies.

Almost a year to the day later, Little Rock police raided another Dennis apartment, this one on West Roosevelt Road, and reported finding cocaine, marijuana, opiates and paraphernalia as well as $1,149 in cash. Dennis was charged with four felony drug charges, was booked at the county jail and released the same day.

After meeting with Dennis a few months after the second drug raid, a parole officer addressed his previous drug test, which reportedly showed positive for controlled substances.

"[Dennis] denies any [further] contact with [law enforcement], but admits to smoking THC," the officer wrote. "Dennis has no desire to quit using or selling drugs. He has 14 pending felonies and he is awaiting trial. Dennis' revocation hearing was postponed on two separate occasions." Revocation hearings, which are presided over by the state's Parole Board, must be requested by an area manager, said the Department of Community Correction's Sharp. Arrests for sex crimes and other violent offenses are supposed to automatically prompt revocation hearings, as opposed to nonviolent misdemeanors for which parole officials wait until the cases are adjudicated in court before initiating any revocation proceedings.

But Dennis, arrested twice within a year on accusations of dealing drugs out of his home, fell into a gray area.

Parole supervisors can request a revocation hearing in the event of new felony charges, Sharp said, but if those charges are nonviolent, the supervisors may wait for them to be adjudicated in court before a hearing.

In response to Roberts' questions about why Dennis hadn't had his parole revoked, another Department of Community Correction official, Kristie Baker, wrote: "He was under an ACT 3 mental health evaluation for over a year. The board will not do a hearing on someone under an ACT 3." A request made in court under Act 3, the Arkansas statute that governs criminal defendants' mental evaluations, suspends all legal proceedings and allows a defendant to seek a mental evaluation to determine if he is capable of standing trial, according to State Hospital Medical Director Steven Doman.

Dennis' Act 3 request may have delayed revocation actions, according to Sharp, who said revocation hearings often wait on court cases to conclude before they proceed. Nearly nine months after his 2009 arrest by Little Rock narcotics detectives, Dennis requested an Act 3 hearing.

It wasn't until November 2012 that an examiner submitted his findings to the court. According to the forensic specialist, Dennis showed up for their meeting "notably odorous of alcohol," and "obfuscated" the line of inquiries, and in the opinion of the specialist, "feigned mental defect." In December, the Act 3 request was withdrawn, and the court proceedings were unfrozen. But Dennis' felony drug cases from 2009 and 2010 have yet to go to trial.

An ongoing ACT 3 hearing is no excuse to avoid a revocation hearing, Sanders said.

"What you're saying is you've got a mentally incapacitated, pathological criminal that you're letting out on the streets?" Sanders said. "He has tried to milk the Act 3 [hearings]. ... These people don't have a clue as to who they're dealing with."

This article was published 06/17/2013

LOAD-DATE: June 17, 2013

CRIME **DCC director called in to Beebe office: UPDATE**

Posted by **Leslie Newell Peacock** on Mon, Jun 17, 2013 at 11:51 AM
Arkansas Times Blog

• Eberhard

Gov. Mike Beebe summoned **Department of Community Corrections Director David Eberhard** to his office this morning after an **Arkansas Democrat-Gazette story** outlined the outrageous failure, with tragic results, to jail felon and parole absconder **Darrell Dennis**, who is being held in the May 10 kidnapping and murder of an 18-year-old Fayetteville man.

Beebe spokesperson **Stacey Hall** said the governor was "concerned and irritated." UPDATE: Hall released this statement at 4 p.m.:

The Department of Community Corrections and the Arkansas Parole Board will do a thorough review of the specific case in question. They will also focus on whether current practices and procedures need to be restructured. Governor Beebe wants a investigation of the current system to discern whether this is an isolated incident or a systemic problem.

According to the Democrat-Gazette story, by Spencer Willems, (sorry about misspelling in original post)Dennis had never had a hearing on the eight parole absconder warrants he's racked up since his 2008 release from prison, where he'd served 19 years for aggravated robbery and theft of property as well for violating parole on earlier convictions on theft, drug and kidnapping charges that sent him to prison for three years.

Since his release, the D-G reports, he's been arrested 14 times and had 21 charges filed against him excluding parole violations. He did not show up for two parole revocation hearings in 2010, but was finally picked up May 1 for absconding. However, he was released from the Pulaski County jail on May 8, and Dennis, despite his long record of parole violations, was told that he needed to report to a parole officer within 24 hours. He did not. **Forrest Abrams** was kidnapped, robbed and killed, his body dumped at 11th and South Woodrow, 32 hours after Dennis' release.

Director Eberhard had inquired into Dennis' release, the Democrat-Gazette reported, and was told that the jail did not hold persons who would be sent to the Department of Correction technical violator center, where it was believed Dennis would be sent.

DCC Blames Pulaski Jail for Release of Darrell Dennis

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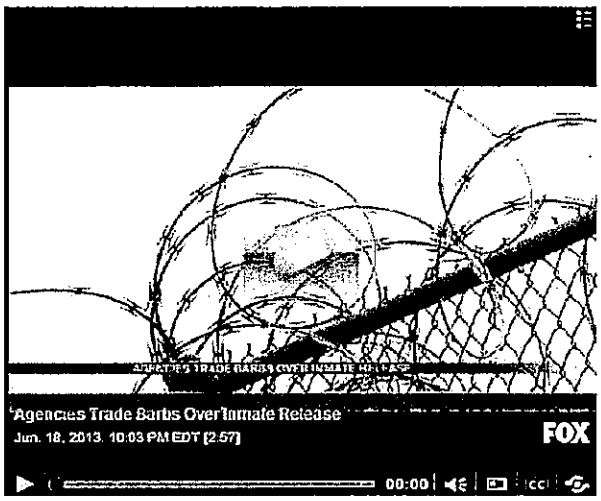

Agencies Trade Barbs Over Inmate Release

Reported by: Drew Petrimoulx

Email: DPetrimoulx@kark.com

https://www.facebook.com/pages/Drew-Petrimoulx-TV-Journalist/204152233003751https://twitter.com/DrewPetrimoulx

Tags:

Darrell Dennis, DCC, doc holladay, Pulaski County Jail, Rhonda Sharp

Updated: 6/19 12:41 am Published: 6/18 11:24 pm

LITTLE ROCK, AR -- Blame is flying back and forth over the release of a parolee accused of killing a young man in Little Rock.

Forrest Abrams' body was found at 11th street and Woodrow on May 10th, and the Department of Community Correction has come under fire over the case.

But D.C.C. says it was officials at the Pulaski County Jail who pushed for 47-year-old Darrell Dennis to be released two days before he's accused of killing Forrest Abrams.

"The jail staff ask us to release the parole hold on him," said D.C.C. spokeswoman Rhonda Sharp on Monday.

Tuesday, Pulaski County Sheriff Doc Holladay, who oversees the jail, took exception to Sharp's comments.

"I'm not going to allow them to blame us for something we didn't do," he said.

On May 8th, Dennis was being held at the Pulaski County Jail after he was arrested for at least the 14th time since his early release from prison in 2008.

There were multiple requests for hearings that could have sent him back to prison, but they never happened.

Instead, Dennis was allowed to walk out of the jail.

Two days later, during an alleged robbery, Little Rock Police say Dennis murdered Forrest Abrams, an 18 year old who family members say wanted to go to college and eventually work with troubled youth.

Sheriff Holladay says Dennis was able to go free because D.C.C. faxed the jail a "speed letter" asking for his release.

"If they didn't want him released, they shouldn't have sent us this order to release him," Holladay said, pounding his finger down on the document.

Sharp admitted that D.C.C. released the hold that was keeping Dennis in jail. But, she said, the agency did so at the request of the jail.

"When you're one component of a criminal justice system, you work with the other components," she said. "The jail ask that the hold be released. We released it."

Asked if the decision to release Dennis' hold was one D.C.C. regrets, Sharp responded:

"I'm not sure I can answer that. What I know to be true is that D.C.C. supervised this offender to the best of its ability.

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ARKANSAS POLITICS **Finger-pointing continues on parolee murder suspect**

Posted by **Max Brantley** on Wed. Jun 19, 2013 at 7:09 AM
Arkansas Times Blog

Gov. Mike Beebe seems to indicate a somewhat nuanced picture is emerging as facts are being gathered on how an Arkansas parolee, now a murder suspect, failed to be held behind bars despite repeat criminal charges and failure to appear for parole meetings. **The Democrat-Gazette reports here** on Beebe's efforts in the matter of **Darrell Dennis**, accused in the slaying of **Forrest Abrams.**

Fox 16 also has a report that might indicate where the **Department of Community Corrections** aims to take the review of its actions — blaming the Pulaski County sheriff's office, specifically the jail, for releasing him. It claims it removed a hold on Dennis at the request of the jail.

Sheriff Holladay says Dennis was able to go free because D.C.C. faxed the jail a "speed letter" asking for his release.

"If they didn't want him released, they shouldn't have sent us this order to release him," Holladay said, pounding his finger down on the document.

We've been down this muddled road before — remember the probationer who killed police officers in Washington state.

So far, this case is repeating that one in a significant aspect. Apart from limited responses from departmental spokeswoman Rhonda Sharp, the probation and parole agency will NOT send its top officials out to talk to the press. I can't think of another state agency that so successfully resists accountability. Beebe says blame will be laid when the process is completed. If that doesn't include a public accountability session for the leaders of the agency, that won't be good enough. Trust Beebe though the public might, that isn't sufficient verification.

Finally, I've been meaning to add this to the discussion.

Parolees commit crimes. Sad but true. Each act of recidivism is not proof of the failure of the parole system. Nor is it justification for throw-away-the-key sentencing. I fear that the important process of reviewing parole procedures for failings might lead to knee-jerk reactions — such as a return to the thinking that the best way to deal with the pathology of drug use and addiction is longer prison sentences for criminals driven by drugs.

Holliday, Karen

From: Senate Information Office
Sent: Thursday, June 20, 2013 3:37 PM
To: Reinhart, Cheryl L.; Holliday, Karen; Hudson, Mark; RevSenHank@aol.com
Subject: column June 21, 2013

State Capitol Week in Review

June 21, 2013
LITTLE ROCK – Legislators plan to review the policies and actions of the state Department of Community Correction, which has jurisdiction over paroled inmates when they are released from prison.
The importance of a thorough investigation into the parole system came to light when a Little Rock man was charged with murder, which he allegedly committed after repeatedly failing drug tests, failing to report to his parole officer and being charged with numerous felonies. In spite of his repeated pattern of criminal activity he was walking the streets.
The details of the Little Rock crime will dominate headlines over the summer, but legislators will not limit the scope of their review to that one case. They will want specifics on how many crimes are committed by inmates who are out of prison on parole, and how serious those offenses are.
At the same time legislators are conducting a thorough study of the parole system, the Arkansas State Police also will perform an administrative review of how parolees are supervised and how frequently they commit crimes.
According to the Community Correction Department, officers with medium and high risk cases will have an average of 70 parolees under their supervision, while officers with low risk cases will supervise an average of 250 parolees.
Last year the Community Correction Department supervised more than 52,000 parolees and people on probation. Ten years ago its officers supervised more than 40,000. Last year the Department employed 627 parole and probation officers and 80 people in its central office. Also, it hired 489 people to operate its six minimum security facilities, in which 1,042 inmates were housed.
The three most common offenses for which they were convicted were possession, manufacture or delivery of controlled substances, residential burglary and theft of property. About two-thirds of the inmates are men.
Also, the Community Correction Department works with the 41 drug courts in Arkansas.
The legislature enacted a package of bills earlier this year to strengthen laws governing parole violations and to make it tougher for repeat offenders to avoid incarceration. Act 1029 of 2013 requires the Parole Board to issue an arrest warrant for any parolee charged with a violent crime or a sex crime. The Department of Community Correction shall keep the Board informed when those charges are filed.
Act 485 repeals the eligibility of sex offenders and serious offenders to qualify for parole automatically. In other words, even if they accumulate meritorious good time they could only be released after the Parole Board reviews their record and approves.
Act 1030 tightens the definition of recidivism, the term used by prison officials to categorize repeat offenders. The act will provide lawmakers and the public with a more accurate picture of the prevalence of repeat offenders.

Suspension of lethal injection

The governor announced he would wait to set execution dates for seven men convicted of capital murder until the state has obtained a new source for the drugs used in lethal injection. The men are on death row and have exhausted their appeals.
The pharmaceutical manufacturer that produces the drug used for lethal injection is no longer supplying it to states that use it for capital punishment.
The most recent execution in Arkansas was in November of 2005.

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Arkansas Board of Corrections makes parole policy changes

1:28 PM Jun 21, 2013 | 0 comments

(Photo: Thinkstock)

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Lindsey Tugman

FILED UNDER

LITTLE ROCK, Ark. (KTHV) - The Arkansas Board of Corrections has launched an investigation into the parole program after a man out on parole allegedly killed a teenager.

Darrell Dennis, 47, has a long criminal history. Officials said he should have been behind bars instead of walking the streets of Little Rock the night police believe he killed 18-year-old Forrest Abrams.

A press release issued by the ABC said, in light of these recent events, an extensive investigation into the Probation and Parole Division of the Department of Community Correction has been launched.

The Board has general supervisory authority over the DCC, which is responsible for probation and parole in Arkansas.

In addition, the Board made the following policy changes effective

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immediately:

1. DCC will not release parole holds on individuals awaiting a revocation hearing pursuant to requests from jail personnel.

2. Parolees charged with felonies; violent or sex related misdemeanors will be jailed and a revocation hearing will be sought.

3. Parolees who have absconded two or more times will be jailed and a revocation hearing will be sought.

4. DCC will prioritize and fast track the admission of higher risk offenders into the Technical Violator Program.

5. DCC will attempt to find open jail space in other jurisdictions within the state when the holding jail must release an offender who has an existing parole hold.

6. All requests for revocations and denials thereof will be fully documented in the offender's case file.

The Board believes that the public deserves to have confidence in its parole system and we intend to address any deficiencies that come to light in our ongoing efforts to improve this system.

Related Links:

Gov. Beebe wants to improve Ark. parole system

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(?)

Publication: Arkansas Democrat-Gazette; Date:2013 Jun 30; Section:Front Section; Page Number: 1

Call for hearing preceded killing

Parole officer's request in e-mail sent 8 days before teen shot

SPENCER WILLEMS
ARKANSAS DEMOCRAT-GAZETTE

A parole officer recommended a revocation hearing for an eight-time parole absconder eight days before the death of a Fayetteville teenager the parolee is accused of killing, an e-mail shows.

But Darrell Dennis' parole was not revoked until June 5, two weeks after his May 22 arrest in the May 10 shooting death of Forrest Abrams, 18.

According to a Department of Community Correction e-mail, Dennis' parole officer requested a revocation hearing for Dennis, who reportedly had racked up 14 arrests and 10 new felony charges since leaving prison in late 2008. Dennis was paroled after serving less than a third of a 60-year sentence for aggravated robbery.

Dennis, 47, was arrested on May 1 and booked at the Pulaski County jail on his seventh absconder warrant.

On May 2, the parole officer, Debra James, e-mailed a supervisor, Jim Cheek, asking that a parole revocation hearing be scheduled for Dennis before the Board of Parole.

Listing summaries of Dennis' parole violations, including a domestic-battery arrest as well as one of two drug arrests, James wrote:

"He should have gone to his [revocation] hearing previously and didn't because he claimed Act 3, was released and no one looked closer to see that he should be rescheduled. This officer formally requests a hearing for this offender."

Act 3 refers to a provision in state law that requires a mental evaluation on a criminal suspect to determine if he is fit to stand trial. Once a suspect asks for an Act 3 hearing, the court and parole processes can drag out for months, Community Correction officials say.

James declined to be interviewed about the Dennis case but confirmed that she had sent the e-mail to Cheek.

Dennis had been scheduled for a revocation hearing in August 2010, several months after a second drug arrest at his residence, but according to agency records, he never showed up for it and an absconder warrant was issued for his arrest.

Dennis had asked for Act 3 hearings in both of his drug cases. He eventually withdrew the requests last December, and he has yet to go to trial on his years-old drug charges.

Four days after James' request, Cheek responded to her e-mail, saying that "Per [Assistant] Director [of parole/probation] [Damian] McNeal. We will send Dennis to [a technical violators center]. Thanks. Please schedule Dennis for [a conference with parole administrators]. Thanks."

On May 8, Dennis, who was in jail on a parole hold, met with an area assistant parole manager, Violet Renee, to discuss his "goals and decision making." Renee reportedly told him that he would have to go to a technical violators center. Such centers are where parole violators can be sent for 60-90 days instead of back to prison.

Renee also reportedly told him that he needed to meet with James within 24 hours so she could "serve his paperwork."

Dennis was released from his parole hold and from the Pulaski County jail later that night.

According to parole records, he never showed up for the meeting with James.

Early on May 10, police found Abrams' body at West 11th and South Woodrow streets in Little Rock.

Rhonda Sharp, a spokesman for the Department of Community Correction, said she didn't know whether Dennis would have remained in jail if he had been scheduled for a revocation hearing. She said she was not familiar with James' e-mail to Cheek and that most such requests

are filed into the agency's electronic system.

As of Friday night, Sharp's office had yet to fulfill a Freedom of Information Act request for more e-mails sent or received by James concerning Dennis.

When asked why James' e-mail wasn't included with other e-mails released to the Arkansas Democrat-Gazette under a previous Freedom of Information Act request for any correspondence discussing Dennis' case, she said she was not aware of James' e-mail.

James' request for a revocation hearing, among other actions and correspondence, will be discussed at a special Board of Corrections meeting Monday, according to board chairman Benny Magness.

"We'll have a meeting Monday to go over the status of the investigation, but I don't have any comments right now," Magness said last week. "I'm aware of the e-mails. That will be part of this status review."

On June 17, the Arkansas Democrat-Gazette published an article detailing 4 1/2 years of new arrests and parole violations racked up by Dennis.

That same day, Gov. Mike Beebe met with Community Correction director David Eberhard and announced that his office would review Dennis' case and other policies or procedures within the state's parole system. Beebe cited the newspaper article for calling his attention to the parolee's history.

Days later, the Arkansas State Police launched an administrative investigation into Dennis' case and others with similar circumstances, according to state police spokesman Bill Sadler.

The Legislature's Joint Performance Review Committee also has requested records and correspondence in Dennis' case and plans to meet in July to discuss the case as well as other issues facing the state's parole system.

On June 21, the Board of Corrections announced six immediate policy mandates, including automatic parole revocation hearings for parolees who amass any new felony charges, and fewer absconder violations that can be accrued before a parolee must appear at a revocation hearing.

Beebe spokesman Matt DeCample said the governor's office is aware of James' e-mail and that it is a part of the "chronology" of events his office is reviewing.

"That's one example that will be looked at especially closely," DeCample said. "I think it's one piece of what you have to look at, what opinions people have expressed or what actions people have taken or not taken, and what caused the results that we see or don't see."

Sen. David Sanders, R-Little Rock, who is a member of the Joint Performance Review Committee and has been a vocal critic of the state's parole system, said the e-mail exchange is a part of his committee's review, as well. He said he thinks the parole agency isn't decisive enough when it comes to revocation hearings.

"I think that's standard operating procedure over there because they clearly have an interest in not revoking people, they want to send them to a [technical violators center], which increasingly, is nothing more than a slight slap on the wrist," Sanders said. "I think it's inadequate. I think that needs to be revisited."

Although his parole was revoked June 5, Dennis remained in the Pulaski County jail Saturday awaiting transfer to prison.

Police are still looking for two men suspected of being with Dennis during Abrams' abduction, robbery and slaying.

Homicide detectives said they are looking for two black men in their late teens to mid-20s, one of whom is darkskinned and goes by "Lil E."

They are known to travel in a 1987-to-1993-era sky-blue Buick Century that has a "loud exhaust pipe" and frequents the area of Asher Avenue and Maple Street, police said.

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Ark. community correction chief is retiring

AP AR State Wire

ANDREW DeMILLO
Published: July 1, 2013

LITTLE ROCK, Ark. (AP) - The head of Arkansas' Department of Community Correction abruptly retired Monday amid criticism over the department's handling of a case involving a Little Rock man accused in a May killing who was allowed to remain on parole despite multiple felony charges since his 2008 prison release.

David Eberhard announced that he was retiring as the department's director effective immediately. A release from the department did not give a reason for his retirement, and said he told the chairman of the state Board of Corrections of his intent to retire June 21.

Eberhard, who has served as director since 2010, didn't immediately respond to a call to his office Monday seeking comment.

Eberhard and state parole officials have faced criticism since the May 22 arrest of Darrell Dennis, who is accused of fatally shooting a Fayetteville man, Forrest Abrams, in Little Rock on May 10. The Arkansas Democrat-Gazette reported last month that Dennis had been arrested 14 times since being released on parole following an aggravated robbery conviction and that he skipped parole revocation hearings that could have ended with his return to custody.

Gov. Mike Beebe has called for a review of the state's parole system, and the Board of Correction last month announced it was making several changes in how it would handle cases involving convicts who are on parole.

Benny Magness, the Board of Corrections chairman, said he didn't ask Eberhard to step down and said he didn't know if the controversy over the parolee was a factor.

Magness said Eberhard had talked with him before about retirement.

"He just decided this was his time," Magness told reporters. "I don't know that it had as much to do with the controversy as it did the time, he had the time to go."

Beebe on Monday said he did not ask for Eberhard to step down and said he didn't know if the decision was related to the investigation into Dennis' parole. Beebe said he wanted to name a new director soon, and said he expected more changes at the department.

"Obviously there was a flaw in the way the Dennis case was handled and to some extent a systemic flaw that has already been addressed by the Board of Corrections with changes in their policy both in Act 3 as well with a multiplicity of absconding situations," Beebe said, referring to a provision in state law that requires a mental evaluation on a criminal suspect to determine if he is fit to stand trial.

The Democrat-Gazette reported Sunday that a parole officer recommended a parole revocation hearing for Dennis eight days before Abrams was killed. Dennis' parole was not revoked until June 5, two weeks after his arrest in the shooting.

Beebe declined to say whether he thought Eberhard's decision to retire was correct.

The changes announced by the Board of Corrections include jailing any parolee who is charged with a felony or a violent or sex-related misdemeanor and jailing parolees who fail to report two or more times.

Community Correction director retires amid parolee case reviews

By Gavin Lesnick

Democrat-Gazette July 1, 2013

This article was published today at 12:26 p.m. Updated today at 12:54 p.m.

The director of the Department of Community Correction retired Monday, a move that comes two weeks after the agency came under fire for its handling of the release of an eight-time absconder who was then arrested in a Little Rock murder case.

David Eberhard on June 21 informed the chairman of the Board of Corrections of his intention to retire, the Department of Correction said in a statement. The retirement took effect Monday.

A June 17 article in the *Arkansas Democrat-Gazette* revealed the lengthy parole-violation history of Darrell Dennis before his arrest in the kidnapping and killing of 18-year-old Forrest Abrams on May 10. That killing came days after Dennis was released from the Pulaski County jail, where he had been held on an absconder warrant.

Gov. Mike Beebe, whose office said he was "extremely concerned" by what happened, requested the Department of Community Correction and Arkansas State Police conduct reviews of how the case was handled.

It wasn't known whether Eberhard's decision to retire was related to the case.

Matt DeCample, a spokesman for the governor's office, said Beebe did not request Eberhard step down.

"Our investigation is still going, as is state police's," DeCample said. "This was between him and [Board of Correction Chair Benny Magness]. The governor did not request his retirement or resignation."

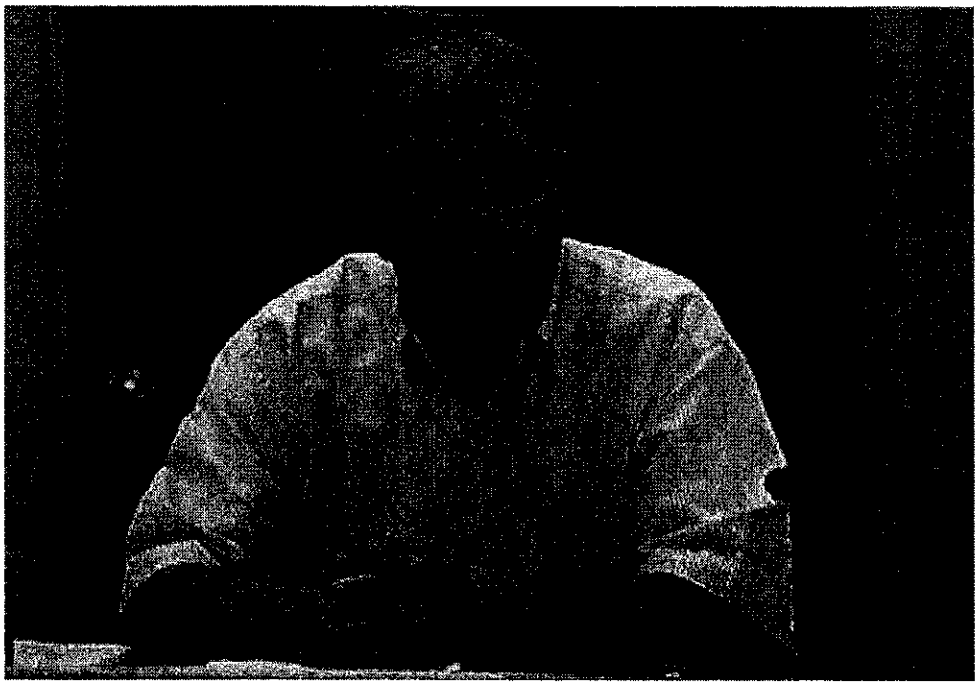
Rhonda Sharp, a spokesman for the Department of Community Correction, declined comment when asked if the Dennis case motivated Eberhard's decision.

"I have no comment on his retirement," she said.

Eberhard worked 28 years in state government, including as a deputy attorney general and as general counsel for the Department of Community Correction before leading it.

:04 pm - July 01, 2013 — Updated: *7:38 pm - July 01, 2013*

UPDATE DCC gets new director amid probe in handling of murder suspect



Arkansas Department of Corrections Board Chairman Benny Magness addresses the board during an emergency meeting Monday. The board named a new director for the Department of Community Correction. (Rob Moritz photo)
1

By Rob Moritz

Arkansas News Bureau

LITTLE ROCK — The state Board of Corrections named a new director of the state Department of Community Correction Monday, just hours after the agency's embattled former director retired amid a review DCC's handling of a parolee accused of committing murder while free despite multiple arrests.

At an emergency meeting, the prison board named Sheila Sharp, a 15-year veteran of the state prison system, to replace former DCC Director David Eberhard. She will take over Monday.

The Department of Community Punishment announced Eberhard's retirement, which was effective Monday. The department said Eberhard told prison board Chairman Benny Magness on June 21 of his intention to retire.

Eberhard's departure comes just weeks after Gov. Mike Beebe ordered a review of the agency's policies and procedures following revelations that Darrell Dennis, a capital murder suspect, had been arrested multiple times while on parole.

Sharp, a 36-year veteran of state government, after Monday's board meeting she had not yet read any of the reports on the investigation of why Dennis had been released.

"I'll get into that and ... if there are any problems or incidents we need to solve, we'll solve them," she said.

In nominating Sharp for director, board member Mary Parker said she "has the experience to hit the ground running, and with such a critical time for agency we need her now."

Magness said Sharp was a top contender for the position in 2010 and that after much discussion the board chose Eberhard.

"It was a very close vote," he said. "She is very competent."

State police investigators are looking into the state's handling of Dennis, 47, who is charged with kidnapping and capital murder in the May 10 killing of 18-year-old Forrest Abrams. Released on parole in 2008 after serving time for aggravated robbery, Dennis was arrested more than two dozen times, including arrests for absconding parole and several felonies, without having his parole revoked.

Also Monday, the prison board voted to prohibit the release of any parole violators taken into custody for new crimes or violations and who are waiting for a court-ordered mental health evaluation.

Last week, the board approved a series of new mandates in an effort to improve the disciplining and monitoring of parolees accused of new crimes or parole violations. The new mandates range from improved documentation to keeping parolees in jail if they are charged with felonies, violence or sex-related misdemeanors, to jailing parolees who fail to show up for meetings or hearings more than once.

Magness said Monday that parole officers previously had the discretion of letting jailed parolees back on the streets if a mental health evaluation was pending.

"In the future, we're not going to release a person that has been deemed by court as a possible mentally incompetent person," Magness said. "We're not going to release him."

The board on Monday spent more than two hours in executive session being updated on the on-going investigation into how Dennis managed to be released. Magness said later one thing the board learned was that he had a mental health evaluation pending.

"The only policy (before) was that the Parole Board could not do revocation," he said. "We could have always held them or not held them, that was up to the staff, like many other cases. Now (staff) won't have a choice."

Sharp acknowledged Monday that she was taking the job of DCC director during a "difficult time" and that her job will be "working to solve problems."

"I want to give (DCC employees) the tools to do their job, work to have a good relationship with all the law enforcement folks out in the community, the sheriffs, judges, prosecutors, and the Legislature," she said. "They're the ones out there making the law that we have to follow ... you have to have good communication with that whole community, that will be my focus."

Prior to going to work for the Department of Correction, she worked for the state Department of Finance and Administration and the state Department of Parks and Tourism.

Gov. Mike Beebe summoned Eberhard to his office shortly after Dennis' case came to light, but Beebe spokesman Matt DeCample said at the time the governor did not ask the director to step down.

Asked Monday if Beebe knew Eberhard had informed the Board of Corrections of his decision to retire, DeCample said, "We knew that discussion had taken place." He would not say if the governor expects the departure of other DCC officials as a result of the Dennis probe.

"We're going to wait to see what the results of these investigations are before we make that kind of declaration," he said. "The governor has influence over DCC just like any other state agency of the executive branch, but they do have a separate board that serves as the agency's immediate supervisor."

Eberhard retires with more than 28 years of service in Arkansas government. Before becoming DCC director, he served as a judicial law clerk, an assistant attorney general, a deputy attorney general and general counsel for the DCC.

Publication: Arkansas Democrat-Gazette;Date: Jul 2, 2013;Section: Front Section;Page: 1

ActivePaper

Longtime chief of state parole, probation retires

Sharp named interim leader

SPENCER WILLEMS AND CATHY FRYE ARKANSAS DEMOCRAT-GAZETTE

The head of the state's parole and probation system retired Monday amid several ongoing investigations into his agency's handling of an eight-time parole absconder recently arrested and charged with kidnapping and capital murder.

David Eberhard, the director of the Department of Community Correction since 2010, ended his 28-year career in state government Monday when the Arkansas Board of Corrections voted unanimously during a special meeting called to approve his retirement.

After an executive session, the board selected Sheila Sharp to run the agency on an interim basis starting next Monday.

Sharp, currently the deputy director of administrative services at the Department of Correction, has worked at both agencies in a variety of roles since 1991. Sharp had previously applied for the job in 2010, when then-director G. David Guntharp announced his plans to retire after 10 years at the agency. She was one of six finalists, with the job going to Eberhard.

During Monday's meeting, the board also announced a new policy that would forbid the release of parolees from custody if they are awaiting a mental evaluation hearing, called an Act 3 hearing, which can lengthen both legal and parole procedures.

The new policy is the seventh mandate approved by the board since it began investigating the handling of parolee and capital murder suspect Darrell Dennis, whose own Act 3 requests hindered past potential revocation proceedings, according to Board of Corrections officials.

The recent mandates, one of which made any felony arrest or violent misdemeanor arrest prompt a revocation hearing, have resulted in an increase in revocation hearings. John Felts, chairman of the state Parole Board, said Monday that his board will hold 175 revocation hearings next week compared with 42 the week that Dennis' story came out.

Despite racking up at least 14 new arrests and at least 10 new felony charges in the five years since his 2008 release from prison after an aggravated robbery conviction, Dennis, an eight-time absconder, never had a revocation hearing nor was he ever sent to a technical violator's center, where absconders can be held for 60 days.

After spending a week in the Pulaski County jail on his seventh absconding arrest, Dennis was released on May 8 after parole officials decided not to revoke his parole. They planned on sending him to a technical violator's center, but about 30 hours after his release, police found 18-year-old Forrest Abrams shot dead in a Little Rock intersection.

On May 22, Dennis was arrested and charged in the slaying. His parole was revoked on June 5 and he remains in the Pulaski County jail awaiting transfer to the Department of Correction.

When asked if Eberhard was compelled to leave his position over his agency's performance in Dennis' case, Magness said that he didn't ask Eberhard to retire but said he wasn't surprised by the timing of the announcement.

"I think after 28 years of service to the state, he decided this was his time. ... If we hadn't had this issue, would he have gone another year? I don't know," Magness said. "It's good for him. He made his decision. It's good for him."

After the Arkansas Democrat-Gazette published a story on June 17 that detailed Dennis' history of arrests, parole violations and the delays in his court and parole proceedings, Gov. Mike Beebe met with Eberhard in the governor's office.

That day, Beebe announced his office would review the Dennis case as well as any similar cases and take a topto-bottom look at the agency's parole policies and procedures.

Beebe's review is ongoing and, on Monday, he said that he did not ask Eberhard to step down.

"He did a good job," Beebe said. "Obviously there was a flaw in the way the Dennis case was handled and to some extent a systemic flaw that has already been addressed by the Board of Corrections with changes in their policy both with Act 3 as well as with the multiplicity of absconding situations."

Days after the governor's office began a review, Beebe asked the state police for help and special agents began their own administrative investigation into the Dennis case as well as any similar cases, according to Arkansas State Police spokesman Bill Sadler.

The Legislature's Joint Performance Review Committee is also investigating and will meet later this month to discuss the Dennis case and other issues facing the state's parole system.

During Monday's meeting, the Board of Corrections discussed preliminary findings of their review of the Dennis case.

Magness noted that state boards typically do not release reports on investigations until they are completed, but that given the nature of the Dennis case, he wanted the public to know what they did.

Board member Bobby Glover stressed that the inquiry, one that reaches beyond the Dennis case and into the Department of Community Correction's very policies, is far from finished.

"The board, none of us knew that this scenario... was going on and it was called to our attention mostly by the press... under no circumstances did anyone on this board know what [Dennis] had been involved in, the many things he'd been involved in or we would have done something much sooner," Glover said. "We're going to do everything we possibly can. We're not going to leave a stone unturned until we complete our investigation."

The Democrat-Gazette reported Sunday that Dennis' parole officer requested a revocation hearing on May 2, only to have administrators decide Dennis should instead be sent to a technical violator's center.

In an e-mail exchange over whether to revoke Dennis' parole or send him to a technical violator's center, among documents released by the Board of Corrections Monday, the department's Assistant Director Damian McNeal questioned Dennis' stability.

"I agree try [a technical violator's center]. I didn't see that he was ever in [one]," McNeal wrote. "Also, this guy needs to be looked at for some of the mental health and substance use funding upon release. He is clearly a treatment case."

According to a letter from Violet Renee, an assistant area manager in the department, parole staff members were told that only parolees with pending violent or sexual felonies awaiting transfer to a technical violator's center would be held in jail.

Other parole violators would be released to prevent overcrowding at jails, the documents said.

"I was not under the impression that [Dennis] was going to continue to report as required pending [a technical violator's center]," Renee wrote. "But I was required to release him."

Dr. Mary Parker, vice chairman of the board, said that Dennis' use of Act 3 requests played a role in keeping him

away from any revocation proceeding and prompted the board's new policy mandate.

Even though Dennis' Act 3 requests for his 2009 and 2010 drug charges were withdrawn late last year, the "deficiency" prevented parole officials from sending Dennis to a violator's center or back to prison earlier, according to Magness.

"[Parole] staff see Act 3 as something they could not do much with," Magness said. "We will not release a hold on an Act 3 [case]... If [a parolee] has an Act 3 pending... somebody, at least a judge signed an order that there may be some question about his mental status. In the future, because of that, the agency will not release a hold on an Act 3 offender."

Magness said that a part of their review entails an audit of all current probation and parole files, roughly 55,000 cases.

Magness has said the increase in parole revocation hearings, triggered by policy mandates that went into effect on June 21, shouldn't overburden department staff.

The week after the new policies were instituted, the parole board scheduled 48 revocation hearings. This week, that number climbed to 64 and next week's hearing list has 175 names on it.

"There's been a sign change to bring the revocations in compliance and the parolees into compliance with the stipulations that they've been given," Felts said.

Board member Janis Walmsley said Eberhard's replacement, Sharp, is qualified and needed.

"We know she has the experience to the hit ground running," said Walmsley. "Since it's such a difficult time for the agency, we need her now."

Sharp said she received a call around 3 p.m. Monday from Walmsley, who asked if she would be interested in the director's position. In all, she has 36 years in state government, Sharp said, explaining that she worked for Parks and Tourism before becoming interested in corrections.

According to state records, the annual salary for the director is $114,870.

Sharp acknowledged that, given the scrutiny the department is under, the coming weeks will be challenging.

One of her first priorities will be going over the investigation's findings thus far, she said, adding that she hadn't yet read the report distributed at Monday's board meeting. In the long term, Sharp plans to focus heavily on building goodwill and rapport with law enforcement agencies and lawmakers, she said.

"It's exciting, even though it's a difficult time," she added.

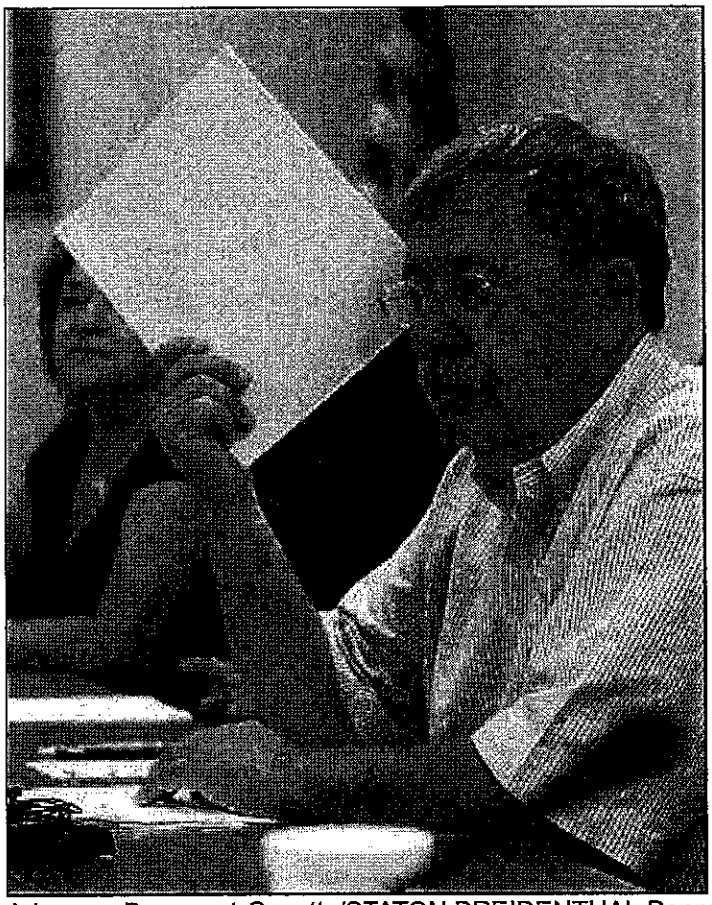
Although the board voted Sharp in to replace Eberhard, they left out a word in their motion: "interim."

"[Walmsley] meant to say in her motion 'interim director'," Magness said. "We all got caught up in the moment... if I have any board member who questions that, of course we'll come back and have another vote."

Department of Correction spokesman Shea Wilson said Monday night that the board will vote again on a motion to hire Sharp on an interim basis, though a date for the vote has not been scheduled.

Information for this report was contributed by Sarah D. Wire of the Arkansas Democrat-Gazette.

Eberhard


Arkansas Democrat-Gazette/STATON BREIDENTHAL Benny Magness, chairman of the Arkansas Board of Corrections, holds copies of a report on Darrell Dennis, a parole absconder who is charged in a Little Rock homicide, before releasing them to reporters Monday during a board meeting in Little Rock.

Sharp

11:26 am - July 02, 2013

Prison board chief says DCC hire meant to be temporary

By Rob Moritz

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LITTLE ROCK — A day after the state Board of Corrections named a new director for the state Department of Community Corrections, the board planned to meet again to decide whether the appointment was meant to be permanent or temporary.

Benny Magness, the prison board chairman, said he called Tuesday's meeting, to be held by teleconference, to clear up confusion about the board's intent in naming Department of Correction veteran Sheila Sharp to succeed David Eberhard, who retired abruptly amid a review of the DCC's handling of a parolee accused of committing murder while he was free despite multiple arrests.

When the board met in executive session Monday to discuss hiring Sharp for the job, members discussed both making the hire permanent or interim, Magness said Tuesday. He said he thought when member Janis Walmsley made the motion to name Sharp director she was going to say interim, but she did not, he said.

"I was a little bit confused (later Monday)," Magness said. "I personally didn't know if she had left it off or had meant the other. I don't know, at the (meeting) I really wasn't thinking."

After Monday's meeting, Magness was interviewed by reporters and not once indicated that Sharp would just be an interim director. Sharp also answered questions as if she was to be the full-time director.

"We'll vote at 3 p.m. today to make it interim or the other, but I know what everybody's real intention was and it inadvertently got left off," Magness said Tuesday.

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State corrections board officially selects Sharp

SPENCER WILLEMS
ARKANSAS DEMOCRAT-GAZETTE

The state Board of Corrections Tuesday officially selected Sheila Sharp as the acting head of the state's parole and probation agency in a vote prompted by a mistake in the motion passed a day earlier to hire her.

Sharp will take over as interim director of the Department of Community Correction after the abrupt resignation of her predecessor, David Eberhard, who left after three years as director amid a series of investigations into his department's handling of an eight-time parole absconder recently arrested and charged in a Little Rock murder.

At a special board meeting Monday, the board accepted Eberhard's resignation and later unanimously voted in Sharp to replace him.

But the motion made by Janis Walmsley to select Sharp did not specify that they were looking for an interim replacement.

Board Chairman Benny Magness, said that Walmsley forgot to say interim, a mistake which compelled the board to conduct an emergency phone-meeting Tuesday to vote again on filling Eberhard's position.

Sharp, who accepted and will leave her position as deputy director of administrative services at the Department of Correction, has worked in both departments since 1991.

In 2010, she went head to head with Eberhard and four other finalists for the position left open by the retirement of then Director G. David Guntharp.

The salary for the position is $114,870, according to state records.

Sharp will take the helm Monday but Magness said he didn't know how long she would serve as interim director.

He said that filling Eberhard's vacancy was the board's priority and that they hadn't formally discussed the steps necessary to name a permanent director.

Magness said permanently filling Eberhard's vacancy will be a matter his board will have to address at a future meeting. The next scheduled meeting is Aug. 2.

On Tuesday, Gov. Mike Beebe said he had no problem with Sharp's interim appointment and that he trusts the board to make the right decision about who it picks to run the Department of Community Correction. As governor, Beebe has final say over the appointment.

Sharp said that she is interested in taking the position permanently but said she has to get Beebe's blessing. The two have talked recently about the job, Sharp said.

On Monday, Sharp said she is eager to start and that she will throw herself into the department's own review of how and why Little Rock parolee Darrell Dennis racked up 14 arrests, as well as 10 felony charges and eight absconder warrants, since his release from prison in late 2008.

Dennis, 47, didn't go before the state's parole board for a revocation hearing until June 5, weeks after his May 22 arrest in the May 10 kidnapping and slaying of 18-year-old Forrest Abrams.

On June 17, the Arkansas Democrat-Gazette published a story that illustrated Dennis' record of parole violations and new criminal offenses.

That day, after reading the story, Beebe met with Eberhard and launched his own investigation into the Dennis case.

Days later, the Arkansas State Police started their own administrative investigation into the Dennis case and it will be reviewed by the legislature's Joint Performance Review Committee at a meeting later this month.

The Board of Corrections started its own investigation as well, one that is ongoing, and has prompted seven new policy mandates, including automatic revocation hearings for any parolee charged with a new felony and tighter thresholds for the number of absconder violations a parolee can accrue before his parole is revoked.

Dennis remains at the Pulaski County jail while he awaits transfer to prison.

Information for this article was contributed by Sarah D. Wire of the Arkansas Democrat-Gazette.

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